

Dear Mr. Forren,

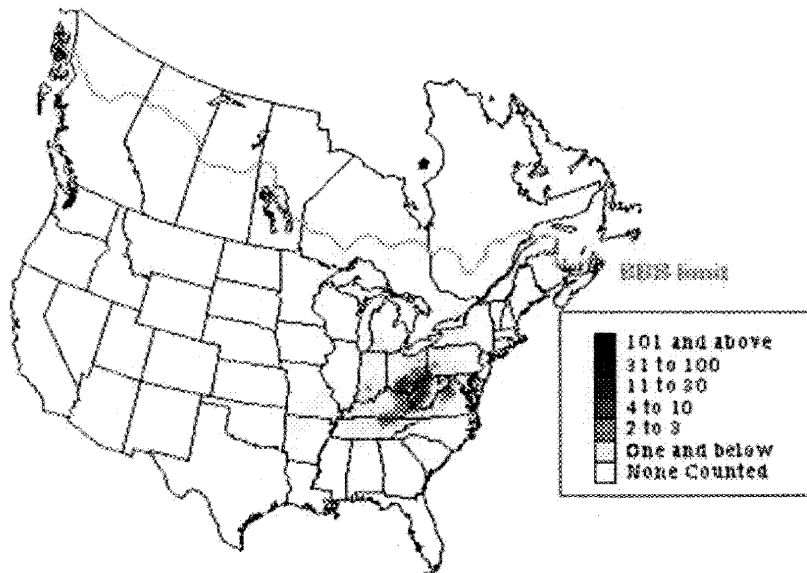
We write on behalf of the undersigned groups, representing millions of Americans, concerning the Draft Programmatic Environmental Impact Statement on Mountain Top Mining/Valley Fill (MTM/VF) in the Appalachian region of the eastern United States. We are extremely troubled over the harmful impacts that mountaintop/valley fill mining has had and could continue to have on a wide array of aquatic and terrestrial organisms. In addition to the direct effects of habitat loss and degradation at mine sites and areas immediately adjacent, the drastic alteration of large landforms over such an extensive region could very well have negative and long-lasting effects on ecosystem processes at considerable distances from the areas more directly disturbed. These concerns are not adequately addressed in the draft EIS. However, despite our serious concerns regarding the potential for disrupting ecological processes and biodiversity in general, these comments are specifically directed to issues regarding migratory birds. The impacts to forest-associated bird species of conservation concern also are not adequately or properly addressed in this draft EIS.

7-3-2

I. The DEIS Ignores the High Priority Assigned through Congress by Wildlife Agencies to the Conservation of Mature Forest Bird Species.

The figures from the draft EIS on cumulative impacts of mining activity in the study area suggest a massive and permanent impact on the entire suite of Partners in Flight priority mature forest birds within the EIS study area (e.g., Cerulean Warbler, Louisiana Waterthrush, Worm-eating Warbler, Kentucky Warbler, Wood Thrush, Yellow-throated Vireo, Acadian Flycatcher) due to a projected loss of over 380,000 acres (149,822

8-1-2



hectares) of high-quality forest to mining in the next ten years. This is in addition to that same amount having been lost in the previous ten years. All of these bird species are also classified as Birds of Conservation Concern by the U. S. Fish and Wildlife Service (USFWS 2002) within the Appalachian Bird Conservation Region, which overlaps the area considered in the draft EIS. This list is mandated by Congress under 1988 amendments to the Fish and Wildlife Conservation Act and denotes species that without additional conservation actions are likely to become candidates for listing under the Endangered Species Act. We consider this level of habitat loss to constitute a significant negative impact for these high priority mature forest birds, and especially for the Cerulean Warbler, the forest species of highest concern in this area. We are struck by the failure of the draft EIS to address this extremely important and significant environmental impact.

While we don't have reliable estimates of the densities of most of these priority species in the region, we do have them for Cerulean Warblers.

This is the forest-breeding bird species we are most concerned with because it has suffered drastic population declines over the last several decades and the core of its breeding range coincides very closely with the EIS study area (Figure 1). This species has been petitioned for listing under the Endangered Species Act and is also on the USFWS' National List of Birds of Conservation Concern (USFWS 2002).

II. The DEIS Ignores Available Scientific Data Showing Higher Bird Densities and Higher Potential Losses from Mining Impacts.

Recent research by Drs. Weakland and Wood (2002) at West Virginia University found the average density of Cerulean Warblers territories in intact forest near mined areas in West Virginia was 0.46 pairs/hectare (ha). Assuming each territory provides habitat for a pair of birds, this

8-1-2

equates to 0.92 individuals/ha. With the projected loss of over 149,822 ha to future mining in the next ten years, this will result in a loss of 137,836 Cerulean Warblers in the next decade. Dr. Charles Nicholson (TVA 2002) reported a somewhat higher average density of 0.64 pairs of Cerulean Warblers per ha at his study sites within the draft EIS study area in eastern Tennessee. If his density estimate is more representative of the density over the study area, then even more ceruleans would have been impacted in the last decade and the same number would be impacted in the next. Either estimate represents an unacceptable loss.

Partners in Flight (PIF), a science-based initiative dedicated to the conservation of landbirds in the western hemisphere, estimates the global population of Cerulean Warblers, based on relative abundance estimates derived from 1990s Breeding Bird Survey data, to be roughly

560,000 individuals with 80% of the population breeding in the Appalachian region which encompasses the study area (Rich et al. 2004).

Applying similar methods, BBS survey data indicate that the average breeding density of Cerulean Warblers across the Northern Cumberland

Plateau physiographic area during the 1990s was 0.065 pairs/acre (Rich

et al. 2004. Appendix B, Rosenberg and Blancher in press). These numbers

indicate that roughly 9% of the world's ceruleans were lost as a result of mining permitted during the 1992 to 2002 period and another 9% will

be lost between 2003 and 2012 should the level of mining the draft EIS

projects in the next decade come to fruition. In addition, we fear that in a region where Cerulean Warblers presently occur in such high densities, the breeding habitat could already be saturated and the individuals displaced by mines wouldn't be able to find new areas of high-quality breeding habitat to colonize. If this is the case, the

8-1-2

reproductive potential of those pairs also will be compromised and the ability of the population to recover will be reduced as a result. It is important to note that these estimates of Cerulean Warbler population loss substantially underestimate the actual impact of mountaintop mining on this species. By definition, mountaintop mining removes forest habitat on mountain and ridge tops. Cerulean Warblers prefer ridgetops within large blocks of mature forest (Weakland and Wood 2002). In addition, Drs. Weakland and Wood (2002) found significantly reduced densities of breeding Cerulean Warblers in forest fragmented by mining and in forest adjacent to mine edges. We find it disturbing and unacceptable that Dr. Weakland and Dr. Wood's research was not included in the draft EIS document when we know that it was made available to those who were involved in its development.

III. The DEIS Fails to Address Technology Changes that will Alter Projections of Future Forest Loss

We believe that the draft EIS projection that an additional 3.4% of forest will be lost between 2002 and 2012 may significantly underestimate the impact of mining on hardwood forests. Not only do these figures fail to include an estimate of the cumulative loss of cove forests from valley fill operations, they also do not take into consideration the anticipated increase in future demand for Appalachian coal due to the planned construction of flue gas desulfurization units (scrubbers) at existing coal-fired generating plants in the study area (TVA 2002). For example, the draft EIS projects that Tennessee will issue permits causing the loss of 9,154 acres of forest in 2003 through 2012, when over 5,000 acres of surface mining permits have already been approved between December 2002 and October 2003 (Siddell 2003).

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IV. The DEIS Fails to Identify and Analyze Effective Mitigation Measures to Reduce Bird Losses

The only mitigation offered in the draft EIS for the destruction of large areas of biologically diverse hardwood forest habitat by mining operations is a suggestion that the denuded areas could be reforested after operations cease. While recent research indicates that some forest communities may be reestablished on reclaimed mine sites (Holl et al. 2001), the draft EIS concedes that initiatives to improve the establishment of forests on reclaimed mine sites have only recently begun and "that it would be premature to attempt to evaluate the success of these efforts at this time". In addition, the draft EIS states that "as post-mined sites will likely lack the requirements of slope, aspect and soil moisture needed for cove-hardwood forest communities, it is unlikely that these particular communities can be re-established through reclamation". It will take many decades before these experimental forests mature sufficiently to assess whether they will provide suitable breeding habitat for Cerulean Warblers or any other interior forest-breeding birds of concern. Even if reforestation was determined to be the preferred mitigation for Cerulean Warbler habitat loss, the development of reforestation BMPs (Action 13) would be voluntary and a state or federal legislative change (Action 14) could take years. The suggestion that reforestation is a panacea to mitigate the negative effects of mining on interior forest habitat within the foreseeable future is therefore wrong and misleading. Furthermore, we find it extremely inappropriate that the draft EIS suggests that a mining company could be offered an economic incentive, through the sale of carbon credits, for planting trees to replace the forest that they themselves destroyed during mining activities.

We also find it inappropriate to consider replacing forest habitat with grassland habitat for "rare" eastern grassland species even though these

7-3-3

species have declined dramatically as a group in recent decades. Their recovery and habitat restoration efforts should be targeted towards ecosystems and landscapes where they occurred historically, not on eastern mountaintops, where grassland habitat was rare, and currently supports high quality forest habitats.

V. The DEIS Fails to Identify and Analyze Reasonable Alternatives to Avoid Bird Losses

We find the draft EIS' failure to provide an alternative proposal that would provide better regulation of mountain top mining to protect the environment unacceptable and inappropriate. We believe that taken together, these two major flaws are fatal and require the re-issuance of the draft EIS. These fatal flaws mean the draft EIS fails to comply with NEPA. The draft EIS needs to be cured by an EIS that appropriately addresses both the concerns over priority bird species mentioned herein and that offers a solid environmentally sound alternative.

The U.S. Fish and Wildlife Service's September 2002 (USFWS 9/20/02) memo clearly supports our conclusion that the draft EIS is fatally flawed. The FWS warned in the memo that publication of the draft EIS as written, "will further damage the credibility of the agencies involved." That inter-agency memo cites the proposed actions offering "only meager environmental benefits" and criticizes the draft EIS because it did not consider any options that would actually limit the area mined and the streams buried by valley fills. "There is no difference between [the alternatives]," the Fish and Wildlife officials said. "The reader is left wondering what genuine actions, if any, the agencies are actually proposing." The draft EIS erroneously only offers alternatives that would streamline the permitting process for approval of new mountaintop-removal permits. The alternatives, including the preferred

alternative, offer no environmental protections and the lack of any such environmentally sound options destroys the NEPA EIS process.

The FWS memo argued for "at least one alternative to restrict, or otherwise constrain, most valley fills to ephemeral stream reaches...As we have stated repeatedly, it is the service's position that the three 'action' alternatives, as currently written, cannot be interpreted as ensuring any improved environmental protection ... let alone protection that can be quantified or even estimated in advance."

VI. Because the DEIS Is Fatally Defective, It Should Be Revised and Reissued for Public Comment and Permit Issuance Should Cease.

We do not find that the three "action" alternatives offered would improve environmental protection in any measurable way. We propose that a moratorium be placed on new mountaintop mining permits until a new draft EIS is written to provide for the avoidance of key Cerulean Warbler habitat and significant environmental protection for the Louisiana Waterthrush, Worm-eating Warbler, Kentucky Warbler, Wood Thrush, Yellow-throated Vireo, Acadian Flycatcher and other PIF priority species and FWS Birds of Conservation Concern. This moratorium should continue until a final EIS is adopted with an environmentally acceptable alternative.

We believe that NEPA requires such a moratorium as the environmental impacts are so great and the federal government has failed to complete an EIS as required, even after 5 years have passed since litigation was initially filed on this issue. Settlement of the litigation was to

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result in an EIS and better measures to protect the environment. The draft EIS clearly indicates that this is not occurring. Also, the Clean Water Act dictates individual permits should be required for such major actions and thus, the current use of nationwide permits is illegal.

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We conclude that mining is a short-term benefit to local economies and once the coal is extracted, the industry will leave the region. However, if the scenic vistas and natural heritage of the area are preserved, an economy buoyed by recreation and tourism would provide added value for generations to come.

11-7-2

We appreciate the opportunity to comment on this Draft Environmental Impact Statement.

Respectfully Submitted,

Stephen P. Stewart
Seven Hills Birdwatchers
Rome, Georgia

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<http://www.forestry.caf.wvu.edu/pWood/>>]



Ohio Valley Environmental Coalition

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REC'D AUG 04 2003

August 4, 2003

Mr. John Forren,
U.S. EPA (3ES30)
1650 Arch Street,
Philadelphia, PA 19103
Fax: 1 215 814 2783

Dear Mr. Forren:

On behalf of the Ohio Valley Environmental Coalition, I write to request a 90-day extension to the public comment period on the Draft Environmental Impacts Statement on mountaintop removal coal mining.

Since the comment period began, OVEC has been attempting to collect comments from coalfield residents, while also studying the massive DEIS document. Simply stated, we need more time. We cannot possibly complete our task by August 29th, the current comment period deadline.

Thanks you for your attention to this request.

Sincerely,

~Vivian Stockman~

Vivian Stockman
OVEC project coordinator

3-5



Ohio Valley Environmental Coalition

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January 5, 2004

John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

REC'D JAN 08 2004

Dear Mr. Forren:

Attached please find Mountaintop Removal/Valley Fill coal mining DEIS comments from the Ohio Valley Environmental Coalition, submitted in addition to comments from OVEC's Counsel. The comments are in the form of the attached Word document labeled, "The Social and Cultural Effects of Mountaintop Removal/ Valley Fill Coal Mining."

The other attachment is one of the addendums, which are listed on the second page of the attached Word document.

Tomorrow, I will send via the US Postal Service, these same documents on a CD. Accompanying those will be the original documents mentioned in the comments. Also, on the CD will be the addendums that I did not include on this e-mail as they were very large, byte-wise.

I will actually send two copies of the CD. You see, my document is 61 pages long and I thought it would be best sent on a CD, especially given the photo addendums. On Dec. 28th or so I called your phone line to check with you that a CD would be ok. Your voice mail was on, so I talked with a receptionist who directed me to someone else in your office working on the EIS. He didn't answer the phone, so I left a message asking him to e-mail me with an answer regarding a CD submission of comments. In an e-mail he assured me that a CD would be fine to send, and he asked that I send a copy for both you and him. Unfortunately, I inadvertently deleted that e-mail and I cannot remember his name. Anyway, the extra CD is for him, and I trust you'll know to whom I am referring.

I apologize if my submitting the same comments both via e-mail and US mail makes things harder for you, as I imagine you are quite inundated with comments. But since both means of transmission rely on computers (e-mail and copying the files correctly to the CD), I just want to back up one submission format with another.

Good luck with the stack of comments!

Sincerely,

Vivian Stockman, OVEC organizer

Hello my name is Maria Pitzer. This is my children, Jessie and Chrystal Gunnoe.

We are from Bobwhite in Boone County. We are against Mountaintop removal. We are a family that lives in the constant shadow of mountaintop removal, valley fills and slurry ponds. The mining around us has destroyed our quality of life. The blasting from the mines is a constant reminder of why our lives have changed so much. My children are not allowed to play in the water that runs thru our property because the ponds run straight into it. The aquatic life in this stream is all but gone. Catching bait or fishing is a waste of time now there isn't anything there to catch, unless it would be some incurable disease. Who can say that this will not endanger my children's health? You, the panel of people who say that what the mine companies are doing is okay. I'm sorry but this has not yet been a trustworthy source.

I have lived on this same property for 35 years of my life. In the same town with the same people, that all saying the same thing mountaintop removal is going to run us out of our homes and off our land like it has so many before us and I'm beginning to wonder, are they right?

We were flooded in 2001-3 times. With each rainstorm the creek and river fills up more with rocks and debris. In 2002 we were flooded once again. The creek now runs much deeper and faster than it ever has. Then on June 16th of 2003 we were flooded horribly. The storm was what the mine company called a one in a hundred year storm. I heard it was an act of God, which is like saying that the buffalo flood was an act of God. I remember when I was a child it rained until I was running in water to my knees in this same yard that is now gone. Why didn't these catastrophic floods happen then? Why are they happening now? MTR is why. I'm not sure what all the scientific tests tell you, but Common sense tells me that if you pour water onto a rock it's going to roll off, if you pour into soil it will absorb.

The flood on June 16th has ruined our life. The rains came and the hallow coming thru our property rose so fast that we didn't have a chance to react. We were trapped in every direction. The river running by me was still clear and the hallow washing into this river was raging. I was being flooded by a stream that 3 years ago I could step over. With in 3 hours after it started raining we had lost almost everything. The water coming by me was sent in on mudslides that filled the creek and move the water closer to our house. The mudslide tore thru my barn thru my orchard of fruit trees. Where there was one of our dogs tied. The water and mud came so fast that we couldn't get our dog out. The next morning his collar was lying in the water new path. As the water and mud continued down it filled a 5 foot culvert that had just recently been put back in from the storms of 2001. From 1981 until 2001 it was 3 foot culvert. It was part of our access. The water washed around the 5ft culvert and took out my septic system, my bridge and all of my drive way and most of my yard. My yard now drops into a 15 foot crater. It's not safe for my children to play in their own yard. The entire path that this creek took thru our property has been destroyed. There is still more mudslides waiting on me. The quality of our well water has compromised to say the least. Up until the 16th we had good water but now it's terrible.

17-1-2

Thank god that the water and mud stopped 20 feet short of our house. Our house as of right now is okay. OUR HOME IS DESTROYED! The life that we have always known is now non-existent. Hikes thru our own land is now unsafe. We are of Cherokee nationality and we have always been taught to live off the land. This heritage will no longer be passed down because it is being destroyed with each blast. Everyone that has a hand in allowing this mining practice to continue is allowing WV and its heritage to fade away. For what, the almighty dollar. We have to live here when you are gone.

As a family we use to love to sit on my front porch and watch a storm come and go. Now it terrifies us to see a storm come. When the rains start everyone gets scared of what going to happen next? If it raining no one in our house sleeps. My daughter at 9 years old is constantly worried with the mining going on around us. She seen a sticker that said Coal keeps the lights on she replied by saying yeah but the trees keep our air clean. She knows what affect MTR and valley fill and ponds are having on us. Yet the college educated scientist is still looking for the reasons we are all getting flooded so horribly, so often. Hopefully this will open up your eyes and make you see that the community impact of MTR is simply devastation. The rights of people in Baghdad it seems are more important than the rights of the U.S. Citizens. I know our rights to life liberty and the pursuit of happiness are pretty much gone. Thanks to MTR and its practices. If you can sleep with yourselves, I guess we have no choice but to stay up with the storms.

10-4-2

17-2-2

July 21, 2003

To the EPA and Army Corp of Engineers---my comments on the Environmental Impact Statement

My name is Patsy Carter and I live on the Tug Fork River. AS I watch the beautiful green river, it makes me feel so peaceful and relaxed, then all at once the river turns black from a Massey Coal Sludge spill. I am not against coal mining, but we need to deep mine coal and mine responsibly. There is no need to destroy these mountains and streams and our children's future to mine coal.

I fear for my life and my family's life when it rains. I think of ways to run for the hills for my life, from the floods caused by strip mining. I plan to keep my family pictures closes to me so that I can save them.

17-2-2

The strip mining is taking everything from us and our children. They will have no future and will never be able to live as true Mountaineers as we have and that is part of our children's heritage.

10-4-2

Under this blackened horrible life we are forced to live with because of irresponsible mining---this has made our state "Almost Hell"--instead of -- "Almost Heaven". The people in Logan and Mingo county needs to wake up.

Stop Mountaintop Removal and stop valley fill mining---stop filling in the headwaters of our streams.

Patsy Carter



Monroe has lived here for 55 years
And hasn't had any problems like
this

1999

Mirrored Tile Fell in
Bath Tub. Had to put up
new shower wall.

Water now seeping in basement.
Wall Cabinet Fell - Broke all my
dishes. (basement)

Had to buy new dish washer
And oven - doors wouldn't shut.

Had to have main door repaired
wouldn't shut enough to lock.

All doors inside house
including cabinet doors
won't shut good.

Ceiling tile on Sunporch
falling.

Floor bowed up in living
room, dining room & bath room.

Walls in 3 bedroom bowed out.
Tile and mirrored ^{tile} in bathroom

Coming down.

Had to screw paneling back
in 3 bedrooms where it came
loose.

Counters unlevel now.
Furniture stayed covered with dust
Pictures won't hang straight
now.

All windows have to be screened shut
Have white shingles on roof
which is now black.

Since '95 I have had 3
heat pumps put in.

Blocks in basement cracked
can see outside - we put
silicone in crack. (Several)
Large crack by meter box
outside.

Out building has large
cracks - water now coming
in cellar

Margaret Crouch

16-1-2

16-1-2

15-1-2

16-1-2

M Crouch
Monroe Crouch

K.I.T.

COUNTER LEARNING
~~CUBBORD~~
~~CUBBORD~~ DOORS WONT SHUT
DISH WASH. WONT SHUT
GARBAGE DISP. ~~WONT~~ ~~WONT~~ LEAKING
WATER STAYS IN ONE SIDE OF SINK
BACK OF SINK COMING APART

DIN. RM.

UPPER MOULDING PULLING APART
WALL BULGE
FLOOR DIPPED DOWN

BED RM #2

PANELING COMING LOOSE
OUTER WALL PANELING BULGING OUT.

BED RM #3

SAME AS #2

BED RM #1

SAME AS #2

HALLWAY

WALL BULGED OUT

BATH #1 HAS TO PUT NEW SHOWER FEB-5-1999

TILE LOOSE, SOME FELL OFF

SHOWER DOORS WONT CLOSE

MIRROR TILE AROUND SINK COMING OFF

WALL CABINET FELL BROKE DISHES

WATER RUNNING IN FREEZER ROOM

LIVE RM

FLOOR BULGING UNDER CARPET

PICTURES WONT HANG STRAIGHT ON WALL

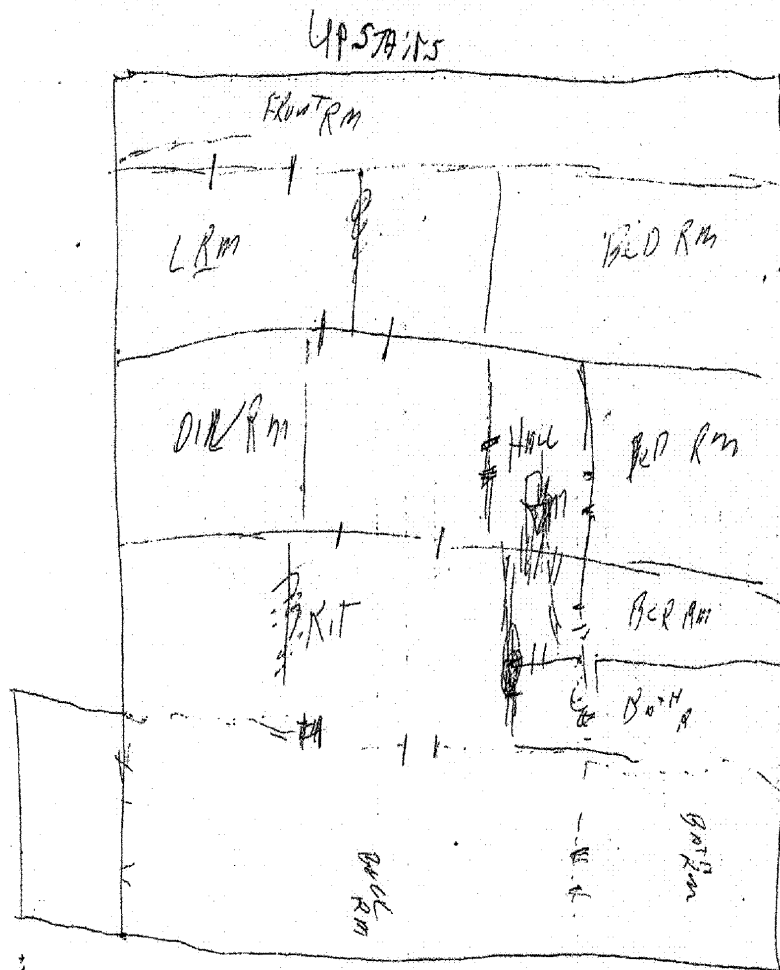
FRONT PORCH RM

CEILING TILE BULGING AND COMING OFF

FRONT DOOR DROPPED (ON ONE SIDE) WONT SHUT
~~SHUT~~

16-1-2

16-1-2



Mountain Top Removal is Massive Ruination not only to the beautiful Appalachian Mountains of West Virginia, but also to every creature whose existence depends on these mountains for their survival, from the streams covered by Valley Fills to the valleys below, where Citizens dwell.

It leaves barren lands, valleys filled with debris and polluted streams and airways from Rock Dust and Coal Dust. It destroys Land, Citizens possessions and their health, it leaves Slurry Impoundments of Toxic disposal seeping into our water table.

What once started as an asset to the State of West Virginia has become a liability and the State of West Virginia tax payers are paying for their damages.

1-9

Hazards of Mountain Top Removal

Barren mountains
Endangered Species
Endangered Trees
Flooding
Toxic Valley Fills
Air Pollution
Contaminated Water
Destruction to Citizens Property
Blasting Damages
Health Hazards
Damaged Highways
Damaged Bridges
Unsafe Run-off Ponds
Slurry Water Spills
Damed-up Rivers

1-9

My scars from mountaintop removal strip mining have been more psychological than physical.

All my life, I have been free to roam the mountains and valleys near my home. Now, I would be considered a lawbreaker and a trespasser if I were to go back to those places. The first thing a coal company does when it takes a lease is to build a gate, hire security guards (whom they dress as county deputies to further intimidate the public), and install cameras to limit access. I consider this to be an infringement of my civil rights.

10-2-2

Sometimes a blast from a nearby mountaintop surface mine will rattle the windows and doors in my house, even to the point of hearing the sheetrock tear from the nails in the ceiling, and if the blasting gets closer the whole house may slip off the props holding it up and slide onto the railroad tracks down below.

And maybe a large boulder from the cliffs up above the house will be dislodged by the blasting and destroy the house.

16-1-2

I have Public Service District water, but I also have a deep well which I hope will not be harmed by the blasting.

The dust from the big trucks and from the traffic going to the mines is awful and the company knows its awful, but I almost have to beg the company to put down water to settle the dust.

The large supply trucks going to the mines are slowly breaking down the truss bridge which is the community's only outlet to the main highway.

15-2-2

My yard is full of squirrels, rabbits, and bears that have been chased out of the mountains by the blasting of the strip miners and by the logging which is a precursor to mountaintop removal stripping. The little animals coming out of the mountains are nothing more than skin and bones because their food source has been removed. I love to feed these little animals, but I would like to see the coal companies and logging companies pay part of the feed bill.

I would say that mountaintop removal strip mining has had a severe impact on my life and the life of my community.

Sincerely yours,

Richard A. Bradford
Edwight, W.Va.

Richard A. Bradford

July 23, 2003

To EIS hearing agencies:

I want to voice my opinion AGAINST Mountaintop Removal Valley Fill mining. This mining is NOT producing jobs, just the opposite, it is destroying jobs.

The town of Whitesville is dying with each new surface mine. The surrounding communities are disappearing from the effects of Mountaintop Removal, the blasting and the flooding. The animals are running from the hills from lack of habitat and are coming down into our homes and yards.

The blasting is destroying people's homes and then we have floods caused by this type of mining. Our children will NOT have a place to live and our mountain culture and heritage is being destroyed with each mountain.

We are the poorest people and we live in the coal rich counties. Why?

The coal companies DO NOT put anything back of economic development. There is NOT one development site on the 90,000 acres destroyed in the Coal River Valley. The coal field schools are being closed and as a matter of fact—2 schools was closed this year and both within 1 mile of many Massey Energy mines. Coal is NOT giving anything back.

President Bush should come to these hollows and talk to the people that live with the effects of this mining. The recommendations in this study is pure HOGWASH!!!!!!!!

Lisa Henderson
P.O. 3
Rock Creek, WV 25174

*P.S. I live in the coalfields, born
& raised.*

Lisa Henderson

July 21, 2003

My name is Jack Brown, Jr. and I live at 104 Finley Circle in Walhonda Villiage which is in the Clear Creek Hollow. I am a life time resident of the great State of West Virginia. I was born in 1935 at Edwight, WVA and my dad was a retired coal miner. I watched him die of black lung 6 years ago.

When I was a small boy living in the coal camp at Edwight, Whitesville and the surrounding areas there was thousands of coal miners working in the mines, not like today only a very few work in the mines.

I have seen the streams run black with coal dust. But not the whole tops of mountains leveled. The sludge dams they have built and the water they have pouleted coal trucks ruining the highways for only a few real jobs? Believe me I am not against jobs.

When they poulted in the old day's at least 10's of 1000's of coal miners had good paying jobs. Then the let down happened the mines shut down and the coal maket dried up, people left the state to find work.

But here we go again big coal companies have found a cheaper way to get the coal. Not like my dad got it, but by removing 1,000's of mountain top acres filling in the little hollow streams. I used to catch spring lizards for fish bait. We don't find the wild things in the mountains like that any more.

Big coal have bought and paid for poultions they own and don't give me much of a say so in the matter. They promise me better but big coal uses their money to change the laws to suit them.

I watched the flood waters wash my brothers house killing his animals and leaving him homeless. I saw what happened to Roger Hollar and Sycamore Hollow when the sludge ponds broke. I watched my friends and nieghbors cry wondering what to do next.

Now what did big coal do? Not our fault an act of God it wasn't our fault the dam busted and you cry babies lost everything you had.

In finishing this little letter I'm going to stay here in my little home and I'm going to fight with the big coal for a decent place to live without a polluted enviornment like we have now and not one law maker to go to bat for me.

I guess I'll be fighting for a long time or at least until someone does something to stop this land raping, poultiting the water like big coal is doing. Oh yes before I close the Governor of our State will only be a one-term governor so if you can stop the raping of my beautiful mountains and can stand up to big coal. Please give me you name I want to stand behind you and support you for governor.

Thank you

Jack Brown Jr.

1-9

10-2-2

1-9

Citizens Comments
Concerning
Coal Waste Impoundments

So whom it may concern: As a Resident
& business owner of mine COI think if you build
these ponds around here, you should buy up out
& relocate us. Don't put people in danger. Coal is not
worth our health or lives put in mind let it be
all for mining coal but do it safe and there won't
be no problem after all as a owner to a place
if I don't do it right they the people would
put me out of operation so lets do it right and
there won't be no problem and I wouldn't blame them
Thank you.

NAME: Ivy Columbia
DATE: 7-7-03

P.S. SO. DO IT RIGHT
THAT'S THE ONLY WAY!

Citizens Comments
Concerning
Coal Waste Impoundments

Coal waste impoundments are an
accident just waiting to happen. I
base this opinion from past experiences;
Buffalo Lake, Logan County, W.Va, and
Wolf Creek, Martin County, Ky.
Also I can see no possible
way that the people in this
Valley could be evacuated in
case the impoundment fails.

NAME: William Hall pt 3, Box 78
DATE: 7/3/03 Milbarton W.V.
25670

Citizens Comments
Concerning
Coal Waste Impoundments

I am opposed to the slurry sand
impoundment. With all the rain I am
afraid it will break and we will have
a disaster like Buffalo Creek. I live
below the pond in a valley and if it
breaks there will be no place to go
fast enough to reach safety, lives are
endangered here, also the more they
blast and mine the worse our water
gets - the dust is awful

NAME: Notie Maynard

DATE: 7-1-03

Citizens Comments
Concerning
Coal Waste Impoundments

We have noticed some
cracking in our sidewalk. We
would be very concerned if
a pond was installed in our
area. We don't want to see
another disaster from this action.
A crack in the sidewalk is
very minor, compared to the
disaster a pond would possibly
make. We can live with sidewalk
cracks, hopefully that's all that will
occur.

NAME: Larry & Brenda Gent

DATE: July 1, 2003

Citizens Comments
Concerning
Coal Waste Impoundments

I am against blasting and the mining underground.
If they were to mine, we would be forced to
move 1/2 of a mile from the area. Many places are
not a necessity around such a rural area. They would
cause grief and worry for residents all around
Hill Creek as well as Hill Creek Home. Also,
mountainous amount of sludge to seep into
streams, creating even more damage. Water for all
life, not just humans. We must take care of what
we get, because if we don't do something, who
knows what will!

NAME: Bobby Stuegill

DATE: July 3, 2003

Citizens Comments
Concerning
Coal Waste Impoundments

Structural Damage, cracks all in garage
floor, cracks in blocks and cracks (hair line)
all over drive way, new large one, caused from
blasting in early morning hours. Value of property
dropped when sludge pond was approved by State.
We were declared as living in high risk zone.
Threats from mine equipment day and night and
coal dust damage. Several occupants would
prefer to relocate, and would like to be bought
out for a fair market price and relocation
expenses. New garage, paint and home improvements
Fred Smith app. 5 yrs. old

NAME: Box 1 Box 182 Delbarton, WV 25670

DATE: 7/2/03

Citizens Comments
Concerning
Coal Waste Impoundments

I worry about the safety of my children and grandchildren. I don't think these impoundments can be made safe. The underground mining in the area could affect this impoundment. The mineral rights I own can never be recovered because of the presence of this coal waste impoundment. It has devalued my property. The added truck traffic and trains have made our lives miserable. Our well water quality has been affected as well.

NAME: James F. Maynard

DATE: 4 July 03

Citizens Comments
Concerning
Coal Waste Impoundments

Living Near a Coal Waste Impoundment, not only deprecate the value of property for the home owner, or puts ground water supply in to question, or anxiety during heavy rain periods, thinking this may break, but it devalues life itself.

To anyone, not living in the coal fields. We are giving up our environment, as you may fight yours.

Please think of us hillbillies, when flipping your light switch.

NAME: Walter Young

DATE: 7-1-2003

RR 3 Box 191

Dalbton, W.V. 25670

Phone (304) 475-4558

Citizens Comments
Concerning
Coal Waste Impoundments

Having a Coal Waste Impoundment
which is 1/4 mile up stream is a
very serious situation, not to mention
the dust and Coal Slime to begin
with, they will be a very unhealthy
environment to any one, just wonder
what it is doing to our underground
water, anything you put in water
it like boiling in a pot, it has
destroyed our way of life.

NAME: Carol Young, RT 3, Box 191 Dillerton
DATE: 7-1-03

Citizens Comments
Concerning
Coal Waste Impoundments

First you wonder what the Coal Companies
are doing in the area, I would
like you to see a video about the time
of the Kenton Killers. The next thing you will
hear is if this thing isn't used, it will
blow or if even thing is used for water
you will be in the "Red" from one minute
to the next and it will be a 30 day
you get very nervous about that the
Coal Companies are hiding.

NAME: Jerry Kasper
DATE: July 2 2003

Po Box 171
Dillerton Va 25670

Citizens Comments
Concerning
Coal Waste Impoundments

Fear Anxious Panicky Afraid these
are a few word I use to say how I feel about
Coal Waste Impoundments. When the TV or Radio
give flash flood warning you wonder if
you are going to be alive the next minute
or not. if it going to be another Buffalo Creek
or Martin County. you wonder what the Coal company
are releasing from the Coal Impoundment in
the water tables that you are drinking
and why are they are so secret about
these Coal Impoundment.

NAME: Jessie Kunez

DATE: July 2 2003

Citizens Comments
Concerning
Coal Waste Impoundments

My family and I feel threatened by the presence of
the impoundment that is constructed at Delbarton Mining
Company. When it rains heavy, we worry what could happen
if it broke. We are also concerned about how the underground
mines will affect the stability of the impoundment. Also
there is more dust in the area which is hurting people
and causing breathing problems.

NAME: Larry & Alisa Maynard

DATE: 07-02-03

Rt 3 Bx 185-B

Delbarton, WV 25670

Citizens Comments
Concerning
Coal Waste Impoundments

Blasting Shakes my foundation
Coal dust is all over everything
It's when running over loaded way to fast
Our well water is mined
The Slurry Pond is too dangerous for all of us
that live here in this area. To many of these ponds
lead for different reasons. Don't want to be one of the
ones to get washed away

NAME: Betty Wilson

DATE: June 30, 2003

Citizens Comments
Concerning
Coal Waste Impoundments

The fact that no one let me
or my family know about the
Sludge Pond at the mine site.
Really upsets me. It's a scary
thing to think that it could
break, and wash us away, like
other Sludge Ponds has done in
other places & to see this in
News papers & on T.V. I would
really hate for this to happen
in my Neighbor hood. I have two
children I try hard to protect. I
NAME: Dorothy E. Can't protect them
From This!
DATE: 7-07-03

Comments of the
Ohio Valley Environmental Coalition (OVEC)
PO Box 6753
Huntington, WV 25773-6753

on the

Draft Programmatic Environmental Impact Statement on
Mountaintop Removal Mining/Valley Fill Activities in Appalachia

The Social and Cultural Effects of Mountaintop Removal/ Valley Fill Coal Mining

*Submitted in supplement to comments prepared for OVEC by James Hecker and Joseph
Lovett, counsel for the West Virginia Highlands Conservancy and OVEC*

Compiled by Vivian Stockman, Ohio Valley Environmental Coalition, from information
collected from coalfield residents, field observations, news reports and websites. Coal River
Mountain Watch and Delbarton Environmental Community Awareness Foundation assisted in
collecting this information.

Sections

Introduction...	...03
Blasting...	...05
Coal dust...	...32
Coal trucks...	...34
Comments from individuals...	...37
Disenchantment with the political process...	...47
Externalized costs...	...48
Flooding...	...51
Falling property values...	...53
Lost culture / way of life...	...53
Sludge impoundments / blackwater spills...	...55
Stress / Fear / Health...	...61
Conclusion...	...61

Addendums

Original copies of comments from individuals

Photos of blasting damage

List of blasting complaints

Preliminary Performance Review --OEB

Photos of MTR—"Minimal" Impact?

Introduction

The Ohio Valley Environmental Coalition (OVEC) is a grassroots environmental group based in Huntington, W. Va. OVEC's members oppose mountain removal / valley fill coal mining. We have about 1500 members, mostly from West Virginia, many from regions where MTR is practiced.

These Draft Environmental Impact Statement (DEIS) comments are submitted as a supplement to the comments prepared for OVEC by James Hecker and Joseph Lovett, counsel for the West Virginia Highlands Conservancy and OVEC. Please refer to those comments for specific arguments detailing how the DEIS violates the 1998 Bragg Settlement Agreement by failing to include Action Alternatives to minimize environmental impacts. That document enumerates many other outrageous failures to adhere to law within the DEIS.

The DEIS on mountaintop removal / valley fill coal mining (MTR) fails miserably to study, measure, quantify, report and make recommendations on the social and cultural effects of mountaintop removal coal mining. Some of those effects are detailed herein, but this is by no means an exhaustive accounting of the full spectrum of MTR's social and cultural impacts. The agencies in charge of creating a valid scientific EIS on MTR must make every effort to exhaustively study and quantify the social and cultural impacts of mountaintop removal. At the very minimum, the social and *current* cultural effects of MTR removal listed herein must be taken into account in the EIS. The EIS recommendations must accurately reflect these effects and must include recommendations for actions that will relieve and eliminate the negative social and cultural impacts of mountaintop removal / valley fill coal mining.

If you take a drive in regions where coal companies practice MTR, some of the social and cultural effects of this form of mining are readily apparent. Follow a public road in Kanawha County, W. Va., heading toward the community of Republic. You'll find a gate across the *public* road. Community gone, access denied, MTR underway. Head toward Mud in Lincoln County. Only one home remaining, and that's in Arch Coal's cross hairs. The homes that were up Connelly Branch are gone, the home sites and the branch itself buried under millions of tons of former mountains. In Logan County, all that is left of Dehue are the broken foundations of homes. Where there is MTR, you'll find this scenario repeated. THE EIS must make an effort to list the communities lost forever to MTR and document or quantify what the losses mean for Appalachian culture.

Early in 2004, the Falling Mountain music label will release the musical CD, "Moving Mountains: Appalachian Voices Rise Up." Artie, W. Va., resident Joe Barnett has a track on this CD, in which he speaks about MTR. His words give a good summary of the various MTR-related social and cultural impacts suffered by people and communities that have the misfortune of being near MTR operations:

My name is Joe Barnett. I live in Artie WV. I live up in the head of a little hollow that has been affected by MTR in a very adverse way. The coal company came in initially and said that they were going to do a little strip mining and said that it wouldn't do any harm to our community. So they got their permits and they came in and they started to cut timber and ran off all the wildlife, and then they started their valley fill, polluted our streams, killed off our fish. Basically they came in and they raped our community.

10-2-2

Then, as a result of that we got a flood that washed a lot of people's properties out. And they came in to repair the damage from the flood and they cut our water supply off. And everything that we have got them to do we have had to force them with a lawyer to do. It makes us feel like we are second class citizens.

They also effectively turned neighbor against neighbor, family against family. It's really...not only did they rape the mountains and the hollows but they are splitting up the communities too.

I've worked in the mines since 1974, but it was all underground mining. And this valley fill mining that comes in...they first come in and they just cut down every tree in sight, that's called clear cutting. They just completely clean the mountainside off. And then they start dynamiting and shaking your homes up. Then once they start blasting, the rock they just start pushing it over into whatever valley is nearby. They fill in stream beds and they run off game.

Us country people like to dig up ramps in the spring and we like to ginseng in the fall. They wipe out both of those. We deer hunt and fish. That's no longer available to us. They have successfully destroyed our way of life and our communities, is what they've really done.

We have people in the community who are in their mid-eighties, and in all their lives they have never seen floods in the hollow like this. In 1997 the first flood came and it cost two people their lives in our community, a woman and a little boy. And in 2001 we had three floods. Each flood does its fair share of damage. The companies not only get away with this, the state will approve permits for them, and the biggest insult to our community and our way of life is then the company goes public and calls it an act of God. And that infuriates me, because God did not set those mountains and valleys there to be destroyed.

A lot of times when the coal companies go before judges they can get judges to look at it from an industry point of view and call it big business, and call it progress. And a lot of judges rule for it and the common man does not always have much say in it.

As far as the home goes--my home is 12 years old--what the blast damage did not mess up...the flooding affected my land, and I probably couldn't sell my home now. I probably wouldn't get anything for it now. We live in fear. The whole hollow is in a state of anxiety now every time it storms. We've learned that they've been permitted to start another strip mine on the other side of the hollow, so now we are going to have it behind us and in front of us.

The way we gauge it is that if the pond (sediment pond below a valley fill) starts to overrun into some spillways we know that it is only a matter of time that the little streams will be full in the hollow. So different ones of us go up and just check it regularly, even in the middle of the night some of us check it.

We've lost two: 34-year-old woman, and a 15-year-old boy, stepping into their yard. The little ditch in front of their yard that normally carried off a little bit of road water had washed out to the extent that they did not realize that the ditch had washed out. We did

10-2-2

not find them until the next day--right in front of her home. (Ed. Note: **Flood waters gushing off a valley fill killed these two people.**)

I always like to say that every law that has been written on safety was signed with someone's blood, 'cause its always been through accidents that there's any improvements in our laws. Apparently the lawmakers in the state are swayed by lobbyists and special interest groups. They come in and make big political contributions to candidates. Its corruption at its highest level, that's what you'd have to call it. The common man, the working man, is not able to get out and go to the statehouse to all these meetings and try to lobby, because we are out trying to provide for our families. And these special interest groups come in and throw a little money around and they pretty well get whatever they want and it angers us--the working class. We elect people into office who make us all kinds of promises.

I would like to see enforcement of the existing laws, and as we learn of new problems for the law, to develop new laws and enforce them. If they continue to wash away and flood everywhere there's not going to be any people living in any of these hollows. West Virginia is going to become one giant strip mine.

Any time you come in and you destroy a stream and the fish in that stream and the animals in the mountains you're affecting God's creation. And I don't like to see anything come in and do that. And not only is it affecting the animals, it's affecting God's people.

If a common guy like myself goes out there and throws anything in the creek, DEP will fine me severely for it. But a big corporation can come in and bury miles of streams and they are committed to doing that. And it bothers me that the same law that holds me won't hold the coal companies.

As MTR assaults the basics that sustain life--water, land and even the air (see blasting, coal dust), so it assaults the basics that sustain the Appalachian culture. The EIS recommendations must accurately reflect these effects and must include recommendations for actions that will relieve and eliminate the negative social and cultural impacts of mountaintop removal / valley fill coal mining.

Blasting

In section ILA.6 of the DEIS, the federal government asserts:

The regulatory review and study conclusions confirmed that existing regulatory controls provide adequate protections from coal-mining related blasting impacts on public safety and structures including wells.

Findings further indicate the existing regulatory programs are intended to ensure public safety and prevent damage rather than eliminate nuisances from coal mine blasting activities.

Some blasting within legal limits may still constitute a nuisance to people in the general area. As with all nuisances, the affected persons may have legal recourse regarding blasting nuisances through civil action.

10-2-2

5

Consequently, blasting is not considered a 'significant issue' and no actions are considered in this EIS.

Perhaps blasting is "not considered a significant issue" to someone living outside the areas where mountaintop removal is occurring. But, to residents who live in the near MTR operations, blasting is a highly significant issue. Most would probably consider the above quoted statements from the DEIS to be absurd and insulting. Residents look to regulatory agencies to take actions that will protect their lives, their quality of life, their health, their homes and their water supply. Coal companies should obey the law and the government should do its job in enforcing coal mining laws; residents should not be forced to take on the expense and burden of hiring attorneys to protect themselves and their property from the blasting associated with MTR.

Note that in the above paragraphs the DEIS carefully talks about "blasting within legal limits." Of course, many citizens believe that much blasting occurs outside legal limits. Even for MTR-blasts that are within legal limits, many citizen complaints to the West Virginia Department of Environmental Protection (WVDEP) and the corresponding Kentucky agency would suggest that these blasts affect lives and property at levels that far exceed the "nuisance" level. *Please refer to the attached document listing recent MTR-related blasting complaints made to the WVDEP.* Remember, the blasts that coal companies set off for their MTR operations can be anywhere from ten to 100 times the force of the blast that cracked open the Oklahoma City Federal Building, killing 168 people. People living as far away as 12 miles from MTR sites have called in complaints about MTR-related blasting to WV DEP. Many coalfield residents keep very detailed logs of the blasts that shake their homes. Citizens have reported to environmental groups that they feel like their complaints about blasting to officials are not taken seriously. Some believe the DEP maintains a "chronic complainers" list and tends to discount their calls. We suggest that the EIS include several samples of these citizen logs. We also suggest that the DEP's entire database on blasting complaints from citizens be included in the EIS.

In early 2003 author Dennis Burke e-mailed: "Approximately 2,500 tons of high explosives are used against the mountains of West Virginia and Kentucky each work day. Every four days, therefore, more explosives are used against Appalachia's hills than were used by the US military in the entire Afghanistan bombing campaign. Every day in Appalachia, the blasting is the equivalent of 1,000 Oklahoma City bombings." No wonder coalfield residents are saying they feel like they are being terrorized!

Citizens who experience these blasts obviously know that existing regulatory controls DO NOT provide adequate protections from coal-mining-related blasting for public safety and structures, including water wells. Nor do the existing regulatory programs prevent damages from MTR-blasting:

- For example, near Van in Boone County, W. Va. one family's house insurance will not be renewed because MTR-related blasting destroyed the foundation of the family's home to the point the home has been condemned. *See the picture of this crumbled foundation in the "Photos of Surface Mining Blasting Effects" attachment.* Note that WVDEP inspectors refused to admit that MTR-blasting caused the damage. The family knows the truth. The EIS should list all people who can no longer obtain insurance from their homes due to blasting damages or potential blasting damages.

16-3-2

6

- Numerous residents have publicly stated that they have either lost their well-water or had their well water become unpotable after MTR-related blasting began shaking their homes. "Insignificant"? Hardly! The EIS should document these losses and include an analysis of the short-term and long-term costs of water replacement efforts for individual families, communities and the state.
- Numerous residents have stated publicly that MTR-related blasting has cracked their foundations, cracked walls and ceilings, rattled windows, knocked doors out of plumb, dashed decorative items off walls and onto floors, etc. The EIS should not dismiss these damages as "insignificant"!
- Residents have complained that rock has been blasted off MTR sites, crashing through their roofs and into rooms, or landing in yards where children play and adults garden, or upon roads where people drive. There is a photo circulating of one of these rocks that is about as big as a compact car! "Insignificant"? Hardly!
- People have been evacuated from their homes after "fly rock" destroyed a neighbor's home. "Insignificant"? Hardly!
- The value of people's homes has dramatically decreased as MTR-related blasts have weakened the structures, and/or as potential homebuyers refuse to move into areas where blasting is occurring. "Insignificant"? Hardly!

Significantly, these regulations and programs are NOT protecting people's health and from impacts related to MTR-blasting, including the health effects from:

- The rock dust and chemical-laden dust (the blasts are created by ammonium nitrate and fuel oil, coupled with emulsifiers, blasting caps and other products) that the blasts launch into the air.
- The cumulative physiological effects of the blasting noise—even when a warning siren prepares residents for the upcoming blast, each and every blast still makes a person's heart jump, pulse race and stomach knot up.
- The physiological and psychological effects of the worry residents feel from the blasts, which include wondering if their homes' foundations can take the blasts, wondering if they can afford the costs of repairing damage from the blasts, wondering if they should bother repairing homes as the blasts continue and fear for personal safety.
- The physiological and psychological effects of the fear residents feel that arises from the blast, which include fear of bodily harm for their families and fear for their future health; for example, people fear the rock dust might cause silicosis (silica is found in much of the rock strata).
- Some have likened the ongoing fear and related stress to post-traumatic-stress disorder.
- Sedentary lifestyles—parents have said they keep their children from playing outside for fear that fly rock (or boulder!) may rain down upon them.

News stories document some of the above-listed effects of MTR-related blasting. For instance, the August 15, 2002 edition of the Louisville *Courier Journal* carried a story by Alan Maimon. "Boulder from strip mine rips through Pike home: Dangling rocks threaten other residents in hollow." Excerpts from that article:

16-3-2

A strip-mine blast in Pike County this week sent an 11-foot boulder over a hillside, crushing a mobile home. Four other homes were evacuated by state mining regulators because massive rocks were dangling from a hill above them.

While no one was injured in the remote hollow near Varney, Jerry Pinson, 44, said his life won't be the same for a while.

Pinson, a railroad worker, was shopping when the boulder, blown from a Lodestar Energy strip mine, crashed through his mobile home nearly 1,000 feet down a hillside from the blasting zone.

The "fly rock" event comes a year after state regulators vowed to crack down on companies whose blasting practices allow rocks and other debris to fly off sites that are being cleared for strip mining. As a result of Monday's incident, regulators say they plan to take additional measures to fix the problem.

"My house is tore up, and I don't know what to do," Pinson said. "It didn't even occur to me that something like this could happen."

Lodestar, based in Lexington, has been issued a notice of noncompliance and ordered to stop blasting at the site until the state approves a new blasting plan, said Kerry Holt, a spokeswoman for the Kentucky Cabinet for Natural Resources and Environmental Protection.

This is Lodestar's second fly rock violation since January 2001. In the earlier incident, which occurred at a different strip mine in Pike County, no one was injured but another mobile home was leveled. The company was assessed the maximum fine of \$5,000.

State regulations prohibit fly rock -- the debris forced into the air by explosions set off to expose underlying coal -- from leaving the property covered by a mining operation's permit.

Mike Francisco, Lodestar president, didn't return telephone calls seeking comment.

As workers tried to remove the boulders hanging precariously from the hillside late yesterday afternoon, Pinson was joined by several neighbors at a Pikeville motel.

Pinson said he had grown accustomed to the blasting that took place on the hillside above his home for about two years and thought of it as only a minor nuisance that caused dishes and pictures to rattle.

"I've lived there my whole life and never saw any fly rock," Pinson said.

But when he returned from shopping, Pinson found his home in ruins. Stunned, he sifted through the rubble for a few articles of clothing and left for the motel.

Derrick Scott, an officer with the Johns Creek Volunteer Fire Department, which first responded to the accident, said Pinson was lucky he wasn't home when the boulder came crashing down. "He definitely could have been killed," Scott said.

State inspectors, who were trying to both secure the area and conduct an investigation, said they were not sure when the residents would be able to return home.

16-3-2

"It's still a dangerous situation," said Jeff Taylor, a supervisor with the Kentucky Department for Surface Mining Reclamation and Enforcement. "Nobody can go back until the area's been stabilized."

Carl Campbell, commissioner of the state Department for Surface Mining, said the incident has convinced him to give several inspectors the fulltime responsibility of monitoring blasting practices at strip-mine sites.

After a spate of fly-rock incidents in the first half of last year, Campbell ordered the department's nearly 120 inspectors to take additional training on dangerous blasting methods, but no inspectors had blasting issues as their sole responsibility.

"I feel like no matter what I do there will be some, but we have to do all we can to reduce them," Campbell said.

The Associated Press reported on the same event:

Jerry Pinson, who lived in the mobile home, was shopping when the boulder crashed through the bedroom area of the mobile home.

His neighbor, Melissa Logan, said she heard a blast that was louder than usual. "Just a few seconds after that was the big crash," she said. "And I looked out my window and saw that. I was just amazed. I was shocked."

Logan said the incident has shaken everyone living near the mine site.

"I'm just really scared about my kids," she said. "We're all the time outside playing, and I'm afraid it could happen here, wipe my house out."

On April 15, 2003, in an article headlined "Miner who resigned settles suit" which appeared in the Lexington Herald Leader, Roger Alford of the Associated Press reported:

An Eastern Kentucky coal miner who resigned rather than detonate blasts that could have bombarded homes with rocks will receive \$142,500 from his former employer.

Oat Marshall, who is being heralded as a hero by some coalfield residents, claimed in a lawsuit that he refused to buckle under pressure to violate state blasting requirements.

The Jackson man had said he feared setting off the blasts might have injured people or damaged property in the Letcher County community of Deane. He couldn't be reached for comment yesterday.

Marshall, a blasting supervisor, resigned in August 2001 and filed a lawsuit in November 2001 against El Dorado Chemical Co. and Consol of Kentucky, claiming that by pressuring him to violate state requirements the companies had essentially forced him from his job. El Dorado was a blasting contractor for Consol.

The lawsuit was scheduled for trial today in U.S. District Court in Pikeville.

"My client walked away from a good-paying job based on the fact that they had asked him to do something illegal," said Prestonsburg lawyer Ned Pillersdorf.

Pillersdorf acknowledged yesterday that the settlement had been reached. He also acknowledged the amount of the settlement.

Neither Bruce Cryder, a Lexington attorney representing Consol, nor Randall Scott May, a Hazard attorney representing El Dorado, could be reached for comment yesterday.

Carla Anderson, of Letcher County, said Marshall should be praised.

"It's a good thing, what he did," said Anderson, who says her home has been damaged by blasting in the McRoberts area. "I wish someone would stand up for us in McRoberts."

While the DEIS states that

"...existing regulatory controls provide adequate protection from coal-mining related blasting impacts on public safety and structures" and "the existing regulatory programs are intended to ensure public safety and prevent damage rather than eliminate nuisances from coal mine blasting activities..." the public, as evidenced above, strongly disagrees. The West Virginia Legislative Auditor apparently also disagrees. *Please see the attached West Virginia Legislative Auditor's document from Dec. 2002: "Preliminary Performance Review, The Office of Explosives and Blasting, The Office of Explosives and Blasting Is Not Meeting All Required Mandate."* Just because regulations are in place doesn't mean they are being followed.

From page 5 of the Auditor's document:

The Office of Explosives and Blasting (OEB) was created by Senate Bill 681 during the 1999 session of the 73rd West Virginia legislature. In this report, the legislative Auditor reviewed seven mandates that are outlined for the OEB in Chapter 22, Article 3a of the Code. Of the seven mandates reviewed, the Legislative Auditor Concludes that the OEB has met and continues to meet three, 1) implementation of the pre-blast survey process; 2) education, training, examination and certification of blaster; and 3) proposal of legislative rules. However, there are four mandates which are not being met to the extent to which OEB was created.

1. **Regulation of Blasting on Surface Mine Operations** - OEB is charge with regulating blasting on all surface mine operations. However, the majority of tasks regulating blasting operations are currently being performed by the Division of Mining and Reclamation, not the OEB.
2. **Setting of Qualifications for Individuals Performing Pre-Blast Surveys** - The OEB has set the qualifications for individuals conducting pre-blast surveys in its legislative rules. However, the primary requirement of these rules is that individual (sic) performing pre-blast surveys undergo training from the OEB. The OEB has no initiated any training for these individuals.
3. **Maintaining and Operating a System to receive Complaints** - The OEB has been in the process of developing a system to receive complaints. However, staffing difficulties has delayed the completion of this system.
4. **Establishing a System for the Investigating of Claims** - There is currently a significant backlog in claims alleging damage, which need resolved.

Significant indeed. Please consider this article by Ken Ward, Jr. in the Aug 3, 2003 edition of the Sunday Gazette-Mail:

Mining study: Blasts not 'significant'

Federal regulators have determined, in their new study on mountaintop removal, that mine blasting is not a "significant issue" in need of additional restrictions.

The federal Office of Surface Mining and other agencies say citizen complaints about blasting probably will continue.

As strip mines have gotten bigger, the agencies said, so have the explosive blasts used on them. At the same time, federal blasting limits have not been updated for 20 years.

But, the agencies said, complaints of property damage by blasting seldom are justified.

Coalfield residents, the agencies said, should hire private lawyers and go to court if they feel blasting near their homes is a nuisance.

"No additional actions to control blasting are warranted at this time," concludes the 5,000-page draft report issued in late May. "As with all nuisances, the affected persons have legal recourse regarding blasting nuisances through civil action."

The OSM, U.S. Environmental Protection Agency, Corps of Engineers and the Fish and Wildlife Service spent 4 1/2 years working on the report.

In December 1998, the agencies agreed in a court settlement to conduct a comprehensive study of mountaintop removal. Their goal, they said at the time, was to consider new rules to "minimize the potential for adverse individual and cumulative impacts of mining operations."

Instead, the Bush administration has proposed a plan to streamline mine permitting. The plan includes no concrete new limits on mountaintop removal.

As part of their study, federal officials abandoned consideration of additional blasting restrictions. They dropped the issue when they narrowed the list of "significant issues" that deserved detailed examination.

In mountaintop removal, coal operators use explosives to blast off entire hilltops and uncover valuable, low-sulfur coal reserves. Leftover rock and dirt is dumped into nearby valleys, burying streams.

Over the past five years, complaints about noise, dust and property damage from blasting have been a consistent concern of citizens at public meetings about mountaintop removal.

In the first national exposé on mountaintop removal, Penny Loeb of U.S. News and World Report focused on the dangers of mine blasting.

"Blasts are made with the same mixture of ammonium nitrate and fertilizer and fuel oil used in the bomb that killed 168 people in Oklahoma City two years ago, but the mining explosions are 10 to 100 times stronger," Loeb wrote in August 1997.

In November 1998, a task force appointed by Gov. Cecil Underwood called for better policing of mine blasting.

A few months later, during the 1999 session, the Legislature created a new Office of Explosives and Blasting within the Department of Environmental Protection.

In their new report, federal officials praise West Virginia for its "leadership role in passing laws and regulations that highlight the importance of mining companies being good corporate neighbors and addressing citizens' blasting concerns."

But in a study released in December 2002, West Virginia's Legislative Auditor found that the DEP blasting office wasn't doing its job.

For example, the audit report said, the office had not yet taken over policing of mine-related blasting from the DEP's Division of Mining and Reclamation. The office had not yet trained anyone to perform pre-blast surveys or set up an in-house database to track blasting complaints.

More importantly, the office reported a backlog of complaints that had not been inspected, let alone resolved. At the time of the audit, 39 of 202 complaints filed with the blasting office had not yet been assigned to an inspector. Fifty-four of the 202 claims were resolved. But of the 148 open claims, only five had been sent to a claims administrator for resolution, the audit found. More than one-third of the open claims were more than a year old, the audit said.

"Citizens with open claims could be living in hazardous conditions due to damage sustained in a blasting incident," the audit concluded. "In addition, the property values of individuals waiting for the resolution of claims could be affected until the damage of the property is corrected." (Note: All emphasis added)

In their new draft study, federal officials quote Underwood's task force finding that **"blast detonations associated with the larger mines have increased from approximately 100,000 pounds to over 1 million pounds of explosives."**

"In addition to more explosives used in blasting, the time periods over which blasting may occur in a general location have changed," the draft study says.

"For example, as the location of a typical contour mine nears a house and passes, blasting influence may last for weeks or perhaps a few months," it says. "For a large mountaintop removal mine, removing multiple coal seams, the blasting near a home may last years."

16-3-2

16-3-2

The new report cites an OSM study of 1,300 blasting complaints nationwide. The study found that "no instances of blast-induced vibration damage were found attributable to the mining operation by the regulatory authority."

Federal rules already outline a variety of restrictions on blasting, the new study says.

Mine workers directly responsible for explosives must be trained and tested. Coal operators must place blasting-schedule announcements in local newspapers. Residents within a half-mile must be mailed a schedule. Mining operators offer pre-blast surveys to residents within a half-mile of the permit area.

"Once blasting is initiated, it must be conducted in a manner to prevent personal injury, damage to public or private property beyond the permit boundary, and adverse impacts to nearby underground mines or surface and groundwater availability outside the permit area," the study says.

The report says these rules **"have not changed substantially" since 1983 — before the huge growth in mountaintop-removal mining.**

"The agencies recognize that, in spite of enforcement of the existing regulations and implementation of the recent program improvements, blasting concerns/complaints will continue," the study concludes.

"Regulations provide a limited ability to control nuisance impacts," the study says. "The regulations were designed to minimize damage potential and only indirectly address nuisance; however, citizens retain the right to take civil action against a mining operation for nuisance-related concerns.

"There have been court cases in the coalfields where mining activities have been ordered to adjust operational procedures (i.e., above-and- beyond existing regulatory program controls) to reduce public nuisances."

It is flat-out wrong, insulting and disgusting for the DEIS to dismiss blasting impacts as insignificant. We repeat: Coalfield residents should not have to, as a matter of government policy, sue to protect their homes and their health from MTR-related blasting. That's an arrogant, outrageous suggestion! Whoever inserted that preposterous idea into the DEIS is no public servant, but a blatant coal industry apologist. That person ought to be fired from public office and go back to openly working for the coal industry. We also reiterate that coalfield residents have repeatedly expressed concern that regulatory agencies frequently fail to attribute to MTR-related-blasting damages that citizens clearly feel are related to MTR-blasting.

To go deeper into the MTR-related blasting issue, please consider the following information, lifted from Penny Loeb's website, www.wvcoalfield.com (emphasis added):

BLASTING: WHAT'S CAUSING ALL THESE PROBLEMS?

16-3-2

16-3-5

13

The Surface Mining Control and Reclamation Act was passed to stop coal mines from "damaging the property of citizens...(and) creating hazards dangerous to life and property by degrading the quality of life in local communities."

"It is the purpose of this Act to ... (b) assure that the rights of surface landowners and other persons with a legal interest in the land...are fully protected" and "(m) where ever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations."

INTRODUCTION

When I picked up my yearly list of complaints from DEP in March 2000, I discovered just as many blasting complaints as in previous years, and at mines I had never heard of. So I decided to find out if there is any difference between the blasts that people complain about and those that they don't.

I collected data on 1,134 blasts at nine mines of various sizes. Of these, 369 had caused problems—such as vibration or noise or dust—for nearby residents. In about three-quarters of the problem blasts, they did differ in some significant way from the blasts that did not cause problems. The differences varied by mine, and not all applied to any one mine. The specifics are discussed under the sections on each mine. But general characteristics include: air blasts over 115 dB, larger shallow binder shots, low-frequency shots, large amounts of explosive per delay, blasts that exceed the scaled-distance formula, cast blasting, two or more shots at the same time, and larger shots closer to homes.

Experts say that other factors can cause blasts to be troublesome as well, including the way explosives are placed in holes, brand of explosive, and misfirings. These could not be determined from the information available.

This analysis is based on a database of the information on the blasting logs. Blasting logs contain two pages of information on each blast, including: time, location, number of holes, amount of explosive per hole, blast design and length of delays between holes. Sometimes there will also be information on ground vibration, air blast levels and frequency from seismograph readings. Some mines are required to seismograph all blasts, while others have been seismographed by DEP after complaints from residents.

I determined which blasts caused problems in two ways. Some resulted in complaints to DEP. Others were noted on lists kept by people living near the mines. In every community except one, I got a list kept by at least one resident.

The regulations say the director can give the public access to the blasting logs. But they don't require copies, so Libby Lindsay (a retired miner and summer intern at the West Virginia Organizing Project) and I had to take laptops to the mines. When we had to sit on boxes and use pails as tables in the guard shack at White Flame (the first mine), we thought we were in for a rough summer. Fortunately, accommodations improved, but varied greatly. Paynter Branch required us to go to a lawyer's office in Charleston and

16-3-5

14

assigned a young secretary to watch. Pen Coal had a supervisor hand us each blasting log, one by one, and asked for a copy of the data.

For all mines but one, we used the time period of the beginning of 1999 through Spring 2000. The other mine had ceased blasting for part of 1999 so we also looked at older records. We entered every blast that generated a complaint to DEP. We tried to enter at least two full months of blasts during the months when there were the most problems. That way we could compare blasts that were problems to others that were placed nearby at the same time of year. Ideally, we would have tried to gather another 500 blasts, but our time was limited with each mine. We have gone back to as many mines as possible and checked the data.

I have spoken with seven blasting experts, read both the OSM and DEP blasting manuals, reviewed studies and court testimony and have discussed my findings with DEP and officials at the mines. I asked all the mines for a response. Paynter Branch, Bandmill and Mingo Logan did not respond. Pen Coal officials and I are still trying to set a date for an interview.

This study is about both nuisance problems and damage. The law gives citizens the right to enjoyment of their property. Yet, in every community where there is blasting, there are certain shots that cause houses to shudder, items on walls and shelves to shake. The blasts can be very loud or cause a lot of dust. At most mines, these types of blasts only occur about a dozen days out of the month. The others don't bother people.

In fact the Secretary of the Interior stated in the Federal Register, when OSM issued its blasting regulations in 1983, that citizens' health and safety should be protected as to "create the least discomfort." "OSM believes that prevention of excessive noise, especially in populated and residential areas, is within the ambit of 'health and safety or welfare.'"

The coal company officials, and to some extent DEP officials, sometimes dismiss the people who claim problems as "chronic complainers." Sure these people exist. But I am confident that the people from whom I got complaints had legitimate problems and did not exaggerate.

My purpose was not to determine exactly what made those blasts problematic. There is not enough information on the logs for such precise findings, nor do I have the expertise. What I wanted to find out is whether there is enough suggestion of difference to warrant further study.

The mines usually abide by the regulatory limits of 1 inch/second ground movement and 133 dB air blast. Vibration is supposed to be minimized by separating the explosions of each delay by at least 8 ms. Mines usually use a "scaled-distance formula." This limits the amount of explosive per delay period. For example, the limit for a blast 2,600 feet from the closest protected structure is 2,234 pounds per delay period. The closer a mine gets to a house, the less explosive per delay is allowed. The formula does not have to be followed if a seismograph is at the closest house.

16-3-5

When a citizen files a complaint, the DEP inspector, in nearly every case, will write that blasting was within the regulations and go away, leaving angry citizens. They feel as if they are in the Twilight Zone. How can the inspector say blasting is being done properly when their house shakes? Some inspectors have even pinpointed types of blasts that cause problems under these limits, especially air blasts above 115 dB (these are explained in the analysis of each mine below). Yet, DEP and OSM refuse to look beyond these standards.

The regulations are based on research done 15-20 years ago by the Bureau of Mines. None was done in West Virginia, and research was with smaller blasts and partly on a new house built specifically to test blasting. Two recent bodies of research have been developed that refute the accepted limits. (I can supply copies to anyone who wishes).

Sam Kiger, Dean of Engineering at the University of Missouri, was the expert for the Bim blasting case, which was tried in court in Boone County in March 1999. Kiger is an international expert in protecting federal buildings from blasting damage. After examining 6,000 blasting logs, he testified that there is about a 95 percent chance of damage at a vibration limit of .5 inches/second, if you count each of the holes shot (50 on average) as a separate vibration. In the Bim case, he also testified that low-frequency waves (2 Hz-11 Hz) generated by some blasts can be more damaging. The frequencies can match that of a house and amplify the shaking.

Freda Harris, who had a blasting case with a mine in Indiana, gathered many documents during the case and subsequent FOIAs of OSM. She wrote a manual for Citizens Coal Council. One of her most intriguing findings was that there can be "hot spots" in a community where the geography can make blasts worse. She emphasizes that damage and vibrations can feel worse if a house's natural frequency is approximately between 4 Hz and 12 Hz. The above-ground part of the house often vibrates more than the ground outside and the foundation. Yet, the DEP/OSM standard is based on ground vibration.

Most of the blasting studies of the Bureau of Mines were done by the David Siskind. The FOIAs provided much correspondence between Siskind and other experts, some of it quite critical. A top official of Vibra-Tech, a leader in designing blasting technology, said: "Any criteria...which ignores the frequency of a structure and the frequency content of the ground motion is overly simplistic...Your criteria, as proposed, will neither protect the interest of the citizen and the homeowner, nor will it protect the blaster from alleged damage claims."

After the Bureau of Mines was shut down by Congress, Siskind became a private consultant. He testified for the coal company that lost the Bim case. The majority of the blasting cases have overturned his studies, and thereby the limits used by DEP and OSM. As he wrote an OSM official on June 17, 1997: "The battles I am now seeing are not 0.5 in/sec versus 1.0 in/sec. Complainants are trying to dismiss all the science as biased, wrong or nonapplicable. For the most part, they are succeeding in ways that pay off."

16-3-5

Interestingly, the DEP "Surface Mine Blasting Study Guide" acknowledges that the response of the human body is greater at lower frequencies: "This explains why people file complaints even when the blasting is conducted at safe (no damage) levels."

The guide recommends seven ways to possibly reduce ground vibration, including: use less explosive per delay, increase the length of delay, detonate the blast away from houses, increase the scaled distance formula. Interestingly, many of the problem blasts violated one of those seven recommendations.

The study guide also notes that blasting complaints will be likely when air blasts exceed 115 dB. It has nine recommendations on how to reduce air blasts, including using enough cover over the explosives in the holes, avoid cloudy days and temperature inversions and avoid open sides in the direction of homes. Again these were often disregarded during problem blasts.

DEP regulations give the Director the power to order mines to reduce blasts to prevent harm. The regulation currently reads: "The director may prohibit blasting on specific areas where it is deemed necessary for the protection of public or private property, or the general welfare and safety of the public."

DEP has tried to strengthen the language in revised regs now before the Legislature: "The director may prohibit blasting or prescribe alternative distance, vibration and air blast limits on specific areas, on a case by case basis, where research shows it is necessary, for the protection of public or private property, or the general welfare and safety of the public."

At DEP's public hearing in August (2000), the industry submitted criticisms, and Mike Mace, director of the new Office of Explosives and Blasting, thinks it might not pass the legislature. Even if it passes, the question is will it ever be used.

Darcy White, assistant chief of the Office of Explosives and Blasting, agrees that blasts can be refined and reduced a bit. She has found that the frequency problem can be eased by lengthening the delay periods between blasts. This would eliminate a lot of the problems. But she sees it as a continual negotiation between inspectors and the mines. **Never, she thinks, will DEP have the authority to order the changes that are needed. The sad thing is that these aren't major changes. Nor would they result in much slowing of production.**

The response of homes can be measured before blasting. Response Spectra Analysis is a mathematical procedure that takes into account the structure's natural forces and the amplitudes and frequencies transmitted by a blast. This requires firing test blasts first. Vibra-Tech's West Virginia office offers this service, which they sometimes use when blasting will be near a hospital or computer operations. One hole is fired for a week, and vibrations measured. Mines don't use it, the Vibra-tech official said. "If the speed limit is 55mph, would you drive 50 mph," he said, explaining that mines only do the legal minimums.

OSM actually considered requiring Response Spectra Analysis, but rejected it in 1983 as too expensive.

16-3-5

17

The other weakness of the DEP system is that inspectors don't know the scope of the blasting problems. Only a small percentage of the problematic blasts get reported to DEP. Some people don't know who to call or even that DEP exists. **Others give up after being told repeatedly that the blast "was in compliance."** Within two hours, I can find the person(s) in a community keeping lists of the blasts. But there is no DEP policy requiring inspectors to regularly canvass a community for problems with a mine.

From this study, it appears that blasting could be moderated enough to reduce problem blasts by at least 50 percent. With the recent appropriation of additional state and federal money for DEP, the blasting office will hire about a dozen blasting inspectors. If inspectors had a complete record of all the problem blasts at every mine, they could require modifications in the blasting until the problems abate.

Clinton Evans, engineer for an explosives firm in southwestern Virginia, is regarded as one of the leading experts on blasting in the Kentucky, West Virginia and southwestern Virginia area. He has been a blaster since 1976, and his firm supplies powder to Tri-County and advises the mine occasionally. It is also doing the blasting for the Route 10 widening in Man. The firm does blasting at surface mines, though none currently in West Virginia.

He offered many insights on why certain kinds of blasts can cause problems and kinds of improvements that can be made. He agreed that there are things that can be done to make blasting less bothersome. I will explain what he said about some of the most common problems.

Binder shots, which have short holes (generally less than 10-feet deep), frequently result in loud air blasts, which cause complaints. Mines use these when they have to shoot a narrow layer of overburden to reach coal. The top coal layer is usually fairly deep (50-100 feet below the top of the mountain). Then there can be a few coal seams close together with just a little cover. The holes are so short that there is no room for adequate cover to absorb the sound. The best way to cope is to use gravel to cover the explosive instead of the drill cuttings normally used. His firm uses gravel for binder shots on construction jobs. But it would be practically impossible for coal companies to absorb that cost, he said. Barry Doss, the chief engineer for West Virginia operations for Addington, said that mines tend to use binder shots with too many holes because they are so easy to drill. The data shows that smaller binder shots generally don't cause problems.

Evans said that they concentrate much more on the effects of the low frequencies than on per particle velocity. The per-particle reading almost never goes higher than .3 inches, well below the regulatory limit of 1 inch per second. However, just as Sam Kiger and Freda Harris determined, the low frequencies are bothersome. "We try to change to a higher frequency so don't get as high a jolt," he explained. DEP recognizes that lengthening the delays can raise the frequency. However, Evans also tries decreasing the burden a foot at a time, and then possibly the spacing as well.

Air blasts that exceed 115 dB frequently cause complaints. He said the best time to shoot when there is a potential for air blast is from noon until 2 p.m. because temperature

16-3-5

18

inversions and clouds are least likely. However, a lot of mines like to shoot at shift changes around 4 p.m. Another way to reduce air blasts is to slow down the delays down the rows. The data shows at least half the mines use 9ms delays down the rows. He said those short delays can actually end up, depending on the design of the blast, being less than the regulatory limit of 8ms between delays. Some mines use these very quick row shots to cast the overburden. This saves a lot of time and reduces the cost of moving the overburden. The explosion just tosses the material away from the coal.

There needs to be better training of both blasters and inspectors, he said. "One of the biggest problems in the industry," he said, "is that we have a lot of explosive companies with well-trained people, but more intensive training of the blasters at the sites needs to be done." There will be times with difficult blasts, he said, that blasters will need advice from explosives companies. However, their resources are stretched thin, as well. Larger mines will generally get more attention just because they do more blasting.

He recommends that at least some of the new blasting inspectors at DEP have worked as blasters. He also advises aggressive public outreach, which is what his company does when they start blasting in a new area.

Analysis of nine mines

COWEN Evergreen (Addington)

"It feels like an earthquake," Bowman said. **Sometimes, the blasts have shaken the deer heads off the wall, cracked the windows and made the house shift so doors won't close properly. The water has drained out of the two ponds behind his house, and he can't keep enough in the ponds for his pet fish.**

Dust from the blasting filled the long valley three times this summer: once in June, once in July and again on August 2. One day it was so bad that Bowman couldn't see to drive down the road.

Roger Hollandsworth agrees that the blasting is bad. Hollandsworth has lived in his tidy home for 34 years. The yard is filled with flowers, Rose of Sharon and other flowering trees and shrubs. His mother lives just up the road, a bit closer to the mine.

Like the Bowmans, his mother keeps a careful record of the blasts. After a couple years of problems, the mine now calls her and a few other nearby residents when a blast is about to go off. But that doesn't stop the blasts from being annoying. She only writes down the bad blasts, with notations like: "Very bad-loud-shook house."

"They are hurting us down here," Hollandsworth said. During the summer, someone put up a sign: "Blasting next six miles. "It will blow you off the highway."

For the most part, the residents have dealt mainly with the mine management. In one case early in 2000, an improperly designed blast blew the windows out at the Falls' garage, which is usually the closest protected structure. Mr. Falls said that some of the holes of

one blast had not gone off. Then when a new blast was set off nearby, the unfired holes went off as well. This was not reported to DEP, however.

When the DEP inspector is called, he does a thorough inspection. Most of the time, he accompanies his findings with a one-page explanation of blasting. Each time, he writes: "Air blasts often feel like ground vibrations and are similar to the sonic booms generated by jets breaking the sound barrier. Air blasts over 115dB are known to be irritating to persons in the area and often result in citizen complaints." Most of the blasts at this mine for which there are decibel readings do exceed 115 dB. In fact, Evergreen got a violation in April 8, 1999 when it blasted 139 dB, well over the 133 dB limit.

(Note: I spoke with Roger Hollandsworth in early March 2001. He said the blasting is much, much better now. There are still some loud blasts, but there haven't been the fumes or the shaking of the past few years. He said inspector Keith Evans is at the mine two or three days a week. He has them adjust the blasts and shoot earlier in the day. Roger and Keith visit regularly so that Keith knows how the blasts are impacting the community. They seem to have developed a plan that could be a model for other communities.)

Of the 111 blasts analyzed, 47 generated problems for residents. A few were complaints filed with DEP, while the rest were noted by Mrs. Hollandsworth or the Bowmans.

Most of the complaints stemmed from two factors: Blasts that exceeded the scaled-distance formula or came close to it. And the larger, shallow binder shots.

This mine most frequently exceeded the permissible limits for explosives per delay. As the inspector noted, regulations allow this since the mine placed a seismograph at the nearest protected structure, usually the Falls or the Hughes houses. Mr. Falls said that he was protected from the blasts by the mountain, unlike his neighbors. **The mine never told him, he said, that it could have larger than allowed blasts because the seismograph was at his house.**

All nine blasts that exceeded the limit caused complaints. Six triggered a seismograph, with air blasts measuring between 124 dB and 131 dB.

Of the 12 blasts that were more than 50 percent of the permitted amount per delay, eight generated complaints.

The other factor that appeared to cause a lot of complaints were the larger binder shots. Because these have holes that usually aren't more than 10 feet deep, they don't shoot a lot of explosive. But the shortness of the holes often makes them generate more vibration and larger air blasts. It is difficult to design an efficient blast with such shallow holes. The adverse impacts could be reduced with holes of smaller diameter. But I have not seen any mines that use 6-inch diameter holes. Usually the holes are either 7 7/8 or 9 inches. The mines say it would be too expensive to buy smaller drills.

A blasting supervisor for Evergreen said that the mine shoots a lot of binder shots because the coal lies close to the surface in numerous areas. Of the 35 shots less than 10

16-3-5

16-3-5

feet deep, 12 generated complaints. Half of those were over 9,000 pounds. Of the other 23 binder shots that did not cause problems, only two were more than 9,000 pounds.

This mine and Mingo-Logan and Princess Beverly were the three that shot two or more times nearly at the same minute. There were 19 shots within minutes of each other. Twelve of those combined shots caused complaints. The ones that did not were less than 10,000 pounds or a small fraction of the permitted amount per delay.

The few other troublesome blasts that were not explained by these factors had notations on them about unusual design or problems with the blast.

I spoke with Barry Doss, chief engineer for Addington's West Virginia mines. He said that the major reason for the high air blasts is that this area has a lot of cloudy days. When clouds are low, the sound waves will bounce back to the ground at wider angles, which is why air blasts can sometimes be heard two miles away. He doesn't know what can be done about the clouds. But he said air blasts can be lowered by reducing the amount of explosives per hole and by increasing stemming (cover over the explosives in the hole).

Evergreen uses a dragline, which is why its blasts sometimes exceed scaled-distance limits and why it uses larger holes than the other mines. The dragline has to have a lot of rock to keep working steadily, he said.

I asked him about the shots that generated a lot of dust and smoke. If the smoke was yellow and smelled, the holes may have been wet, he explained. If a blast has to sit overnight before being detonated water can get into the holes. The best way to avoid problems is to load the holes and detonate them immediately.

Both Evergreen and Princess Beverly tend to shoot two or more blasts at the same time because it is more economical. This way they only have to clear the area once, and generally they do the simultaneous blasts at the afternoon shift change.

The men who design and shoot the blasts don't get to go to seminars, he said. So they rely on the expertise of the explosives company when they have problems. "There are always minor adjustments can be made because blasting more of an art than science," he said.

CYCLONE: Paynter Branch Mining

"My husband works for the mines, but they can't tear up my house," Barbara Jeffries of Cyclone, interview August 2000.

Like Tri-County in Dingess, this is a small mine with small blasts. Yet it was frequently within 1,500 feet of the community and caused a lot of problems. The mine stretched for about a mile, its perimeter following Route 10 through Cyclone, never more than 2,000 feet away up on the mountain.

21

The complaints about blasting began to come into DEP towards the end of 1997. **By 1999 though, people were tired of complaining, since the problems didn't seem to be easing.** Still they filed a dozen between March 1999 and February 2000.

"Blasting on 6-24-99 at 4:15 p.m. was extremely loud and shook her house so hard that it scared her visiting grandson who was inside of the house at the time of the blast," wrote the DEP inspector about a complaint from Barbara Jeffries. Her neighbor, David Robertson, complained on March 23, 1999: "Blasting from Paynter Branch Mining has been shaking the complainant's residence and on 3-22-99 at approximately 4 p.m. a blast occurred that 'shook' the dwelling hard and caused items to fall off of shelves in the den of the dwelling."

Dust from the mines was a problem, partly because the fairly large community was so close to the mine. Though the mine is not visible from the road, its location on the edge of the mountain was similar to the Dal-Tex mine in Blair. This allowed the **dust to float out over the houses.**

The blast on Aug. 25, 1999 was particularly dusty and generated two complaints. David Robertson took photos that clearly showed the dust. The DEP inspector wrote: **"Paynter Branch Mining Inc. has agreed to wash Mr. Robertson's house as he requested after mining has progressed away from the location of the house." The mine agreed to wash other houses as well. Yet more than a year later, no houses have been washed.**

Unfortunately, the one person who was keeping a log of the blasts threw it out because the mining was ending and she saw no use for her records. This is the one mine, where the complaints are based solely on complaints filed with DEP.

However, this mine was one of two that regularly seismographed the blasts. It did seem that the machine was close to one group of homes and not to another. The blasts were loud enough to trigger the seismograph 30 of the 35 times that the closest structures were houses 57, 88 or 91 (all near the Jeffries and Roberts). It did not trigger when the blast was closest to house 152.

Interestingly, all but five of the 35 air blasts recorded were over 115dB. Several DEP inspectors have said they found complaints start coming in when air blasts are over 115 dB.

The DEP inspector was quite thorough. After one of the first complaints in late 1997, he wrote a letter with his findings. This time, he found that the mine was using the wrong closest structure. The log said it was 1,800 feet away when it was actually only 1,400 feet. This reduced the allowable amount of explosive per delay from 1,070 pounds per delay to 648 pounds per delay. Then the blaster timed the shot incorrectly, causing 1,200 pounds to detonate instead of the 648 pounds.

WHAT THE DATA SHOWS

We reviewed 103 blasts, of which nine generated complaints to DEP. Without a more complete list of problem blasts, it is somewhat difficult to determine what is different

22

16-3-5

16-3-5

about the blasts that did cause problems. However, the presence of seismograph data is helpful.

Location of the blast appeared to be one factor. The complaints only came when the blasts were in just seven of the 80 grids where blasting took place. The blasting logs require mines to include the grid numbers. Grids look like a graph paper and the letters and numbers generally start in the top corner at the left, just like in a spreadsheet. So the grid will read J-19 or NN-46. All the grids where bothersome blasts occurred were towards the center of the mine: J-19 through QQ-41.

As noted above, the air blasts were particularly high here. The highest (132dB) occurred on the day that Barbara Jeffries said the house shook so much it scared her grandson.

Interestingly, the majority of blasts that caused complaints were detonated in the direction of the nearest protected structure, even though DEP recommends detonating away from homes in order to reduce vibration.

The data on the frequencies of the blasts is also enlightening. The Bureau of Mines has found that frequencies between 4 and 11 Hz can magnify the shaking feelings if the house is responsive to the frequency of the blast. Most of the frequencies from these blasts were between 7 Hz and 11 Hz.

DINGESS Tri-County Coal

Perhaps the smallest of the nine, this mine stretches along the ridges of the mountains that hug the northeast side of County Route 3 through Dingess. Two local men bought this permit from Pen Coal a couple of years ago and are operating a contour mine without any valley fills.

Blasting problems have been associated with the large, mountaintop removal jobs where blasts can be 50,000 pounds to 250,000 pounds and even as much as 1 million pounds. Tri-County refutes that theory and shows the complexities of blasting. **The largest blast we recorded was 43,942 pounds, with nearly half less than 10,000 pounds.**

Stanley Marcum, a disabled miner in his 50s, lives where he was born, in a two-story house on the banks of the West Fork of Twelvepole Creek. Steel blue, the house has been carefully restored. Birds gather at the feeders near the creek bank, and Marcum built a garage a few years ago. His wife has a beauty parlor in the rear of the house and is home most of the day.

When Pen Coal was blasting about half a mile down the road three years ago, Marcum did complain to DEP a few times even though his home wasn't among the closest. Last year and this past winter, his house was frequently just about the closest to Tri-County. Blasting was occurring on the ridges lying to the northeast, across the creek and road from his house. Only now, he was reluctant to complain because he had gone to school with one of the owners.

16-3-5

Still, his wife kept careful track of the blasts, noting down the ones that were the most bothersome. Marcum believes the cracks in the foundation have grown worse because of the blasting. He showed me how the bottom wall of his living room bows outward into the room. Whether these irregularities were caused by blasting will be up to an engineer. What is clear, though, is that the blasting is annoying and sometimes scary. The house just shakes and shakes, according to Marcum and his son.

The Marcum family has been working in the mines for decades. Stanley worked as a deep miner at Marrowbone for more than 20 years. In the early 1990s, Marrowbone ousted the UMWA, but Marcum stayed on. He had the misfortune to be in a mine fall, breaking his back in several places. Though he is fortunate to be able to walk, he can't go back to work. The mine paid the medical bills for his accident, but he is now like many disabled miners in their 50s and early 60s: without medical coverage until he reaches retirement age. Marcum's son drove a coal truck at Pen Coal, but recently switched to driving for Marrowbone.

A new permit for Marrowbone's mountaintop mine is approaching Marcum's house from the southwest. The pond for the valley fill will be about 300 feet from his backyard. "I was born here," he said. "But if they bought me out, I would leave."

The Marcums aren't the only ones who were bothered by the blasts, either. Roger Meade and his wife live across the street. Dishes in their house have been knocked off shelves and broken.

WHAT THE DATA SHOWS

The most obvious reason for these blasting problems would be because the blasting was very close to the homes.

Of the 130 blasts we entered in the database, Mrs. Marcum noted 27 were especially bothersome. These blasts were either closer, deeper, had a larger number of holes, a larger amount of powder per delay or shorter delays.

12 of those were 1000 feet from the closest house. There were another nine blasts that were also within 1000 feet. But the ones that caused problems had significant differences with all but one of the less offensive blasts. Two were nearly twice as deep (59 and 68 feet, compared to 30 feet). Seven had more holes. Seven had fewer delays (17ms and 42ms, compared to 17ms, 42ms and 109ms).

The other 15 troublesome blasts were located in just 10 other grids. (Blasting was done in 26 different grids). In four of those grids, nearly every blast was bothersome.

In the other grids, the bothersome blasts differed in significant ways. The most obvious were the delay timing and delay designs.

The amount shot per delay ranged from two at 1,394 pounds to one at 10 pounds. There were a number of blasts between 255 pounds and 782 pounds. Interestingly, of the 10 blasts at 697 pounds, only three were bothersome. All three were in the two of the 10 grids closer to the Marcums.

16-3-5

It would seem that blasting at this mine would have benefited from closer attention from DEP. Numerous blasts were listed on the log as 1,000 feet from the closest protected structure. However, the name of the owner was never given as it is at most other mines. **It is quite possible that some of the blasts were actually within 1,000 feet of homes and would have required site-specific blasting plans.**

There were no complaints up to March 2000. A few complaints were filed after that. **But because there had been no previous complaints, it appears that DEP did not pay close attention to the blasting.**

This is the one mine where management seemed to genuinely want to try to lessen the impacts of the blasting. In fact, the mine manager asked me to tell him if I found any reason why the people were having problems with the blasts.

After the mine received complaints from people soon after starting up early in 1999, the powder company studied the vibration patterns and recommended altering the frequencies. It appears that the delays were lengthened on many, but not all, of the blasts. Unlike other mines, the blasting logs sometimes seemed as if they were carbon copies. As we were inputting, we sometimes felt like the blast from the previous day had just been copied onto that day's log. Perhaps, they did shoot nearly identical blasts on consecutive days, but it seemed odd.

Bill Dye, the mine manager, said the complaints in April-June of this year resulted from an unusual rock formation. The blasters unexpectedly encountered fractures as large as 6 inches in the rock. They had to increase the powder in order to try to break up the rocks, some as large as houses. But the fractures and increased amount of powder made for larger air blasts, he explained. There was no way, that he knew, to discover the fractures before shooting. He said they tried to tell residents what was happening.

I asked him whether the mine could afford to shoot less per delay. He said that they tried to break the shots up into two or three smaller groups when they are close to houses. However, he said, that it would probably cost too much in time delays to do that with larger shots further away from the community. They do try to do preline, breakup and production shots, and have minimized the shots as much as possible.

He said that community residents are understanding if they are called ahead of time. However, it would be difficult, he said, for a mine or DEP to survey a community to discover the full extent of the problems.

FOSTER Elk Run Massey

Dickie Judy could be the poster child for blasting. For six years, he has gone to every level of state and federal agency and governing body. Amazingly, most agree that the blasting from the mine is causing problems. Yet, none wants to order something done.

16-3-5

25

Dickie Judy builds houses for a living. So when it came time for his dream home, he wanted everything perfect. The location is idyllic, more than 100 acres at the end of Foster Hollow in Boone County, an ample flat lawn, and even a visiting bear. He let the large white colonial settle a year before moving in—only to be greeted with a notice that he needed a pre-blast survey.

The survey was done in September 1994. Another survey was done of Judy's older rental house nearby. Within a few months Judy filed his first of years of complaints. Bill Cook has been the DEP inspector the entire time. After nearly two decades with the forestry department, he had moved over to DEP with an unusual enthusiasm for enforcement. He jumped right in and issued a violation: "failed to prevent damage to private property outside of the permit area: Elk Run Coal Co. must provide a list of repairs that it is willing to make and a time frame for such repairs by Friday 3/24/95."

On March 30, 1995, OSM inspectors Mike Superfesk and Richard Frazier inspected the Judy's two houses along with Bill Cook. About the older house, OSM found: "I totally agree with the WV DEP that it is obvious that the paneling separations in three different rooms of the house was caused by blasting. It is also obvious that the age, type of construction, and type of foundation make this older structure more vulnerable to both air and ground-induced loading. **The dynamic response of non-conventional pier or rock footings and non-conventional floor and wall framing to ground vibration is different from that normally expected in the more conventional system; therefore a larger scaled distance factor is required to insure protection of a non-conventional structure.**"

About the Judy's new house OSM wrote: "has also sustained additional cracking from the time of the pre-blast survey conducted in September, 1994. Currently many of these cracks are considered minor or threshold cracks, particularly the cracks in the room corners and at the intersection of walls and ceilings; however, there are documented changes in the size and number of cracks since blasting commenced. Based on the age and the excellent quality of the design and construction of this house, it is evident that this house can resist greater air or ground-induced loading than the older, non-conventional house. It is also very possible that in addition to air blast, this house is being subjected to low-frequency ground vibration that are near the natural frequency of single family frame structures and particle velocities could be amplified within the structure." And this was happening when the blasting was 5,000 feet away.

DEP inspector Cook issued three violations for blasting, which forced DEP to issue a cessation order. Massey appealed to the Surface Mine Board, which overturned the blasting violations in July 1995.

Next OSM issued a Ten Day Notice on August 8, 1995, saying that Elk Run failed to conduct blasting operations so as to prevent damage to private property outside the permit area. In December 1995, OSM issued a violation and ordered Elk Run to improve its blasting designs. In March 1996, Federal District Court ruled in Elk Run's favor and overturned the OSM order.

16-3-5

26

Meanwhile Judy had gone to Washington, D.C., to testify before Congress about the harm of cutting OSM's budget, which happened anyway.

Interestingly, his case became a dilemma for OSM's Nationwide Blasting Work Group in early 1996. OSM had found damage at the older house at a vibration of .2 inches/second. Blasting regulations are based on the theory that no damage will occur below 1 inch/second. Since the Work Group has not issued a final report, the resolution is a mystery.

OSM made another inspection on April 2, 1997. After finding two air blast readings of 128dB, the inspector recommended more stemming (cover over the explosives in the holes) and smaller diameter holes. It appears that holes were reduced from 9 inches in diameter to 7 and 7/8 inches only about a third of the time.

In the summer of 1998, Dickie Judy hosted a tour of the legislative committee studying blasting. He also lobbied the legislature for better laws.

After a series of particularly hard blasts last Fall, (then) DEP Director Mike Castle issued an order that air blasts should be reduced. However, Massey threatened to sue, and DEP backed off the order. Instead, Darcy White and Jim Miller of the Office of Explosives and Blasting convinced the mine to submit a revised blasting plan, which included longer delays and shots in sections. In March 2000, the mine got a new manager, Mike Snelling. He said he could minimize the complaints, but not eliminate them. However, from the Spring through November, the blasting and mining was being done in an area of the mine far away from the Judy's home. Inspector Bill Cook said they won't be able to determine how much the new blasting plan has helped until the blasting comes closer to the homes in a few months.

Most recently, the engineering expert for Bailey & Glasser found that Judy's home has \$5,000 in damage from blasting. However, it is too small an amount for them to take on as a lawsuit. **Mike Mace, director of DEP's Office of Explosives and Blasting, refused to order the mine to fix the damage based on the engineer's finding.**

Dickie Judy doesn't know where to turn next.

WHAT THE DATA SHOWS

We examined 88 blasts of which 23 caused problems. First, this mine has the biggest blasts. Of the 88 blasts, 37 were more than 100,000 pounds. Evergreen, the next largest, had 20 of 111 over 100,000 pounds. Granted, large blasts can be barely noticeable if properly designed. **But the Judys repeatedly characterize the blasts as feeling like they are being blown off the earth.**

More than half - 42 blasts - were more than 1,200 pounds per delay, the only mine to shoot such a high percentage. Regulations permit such large shots because the blasting was usually between 3,000 and 9,000 feet of the Judy's house. However, when the large amounts were shot within 4,600 feet, there was usually a problem. Those blasts include: 1,954 lbs/delay at 3,200 feet, 2,858 lbs/delay at 3,500 feet and 5,162 lbs/delay at 4,300 feet.

27

In fact, 17 of the 23 problem blasts shot more than 1,900 pounds per delay. Four of the other 6 problem shots were binder shots.

Binder shots were a problem at this mine, as at all the others where they are used. This time, only about half the binder shots caused problems. All those that did cause problems were 9 inches in diameter. Several of the less bothersome used both 9-inch and 7 7/8-inch holes.

KISTLER Bandmill Massey, formerly Pittson

For more than three years, Everett Dickerson of Kistler kept careful records of the blasts at the Pittson mine on the mine above his house. When his neighbors started to have blasting problems a few blocks away, he showed them how to make lists, too.

But now Dickerson has given up. The lists and complaints didn't do much good. The only thing that might help now, he says, would be a lawyer.

This mine, which was owned by Pittson until mid-1998, stretches along the top of the mountain on the north side of Route 10, reaching from Taplin to Kistler. The mine ceased operation for about a year while it was being sold to a subsidiary of A.T. Massey but reopened early in 1999.

About 110 houses in Kistler and Taplin are within half a mile of the blasting. Kistler is a tight little community with houses close together on narrow streets. Several residents described the blast as reverberating through the neighborhood.

"Blast today at 8:36a.m. shook trailer and scared everyone in the neighborhood," Cornella Morgan told the DEP inspector on April 23, 1998.

Larry Conn, a teacher, told DEP that the blast shook their house on March 6, 1998. **"Very upset that blasting seems unregulated."**

The DEP inspector was not as assiduous as those for Evergreen and Paynter Branch. But his investigation of the blasting complaints did shed some light on why particular blasts caused problems. When Larry Bragg complained that a blast on Aug. 21, 1999, "shook his house really bad," the inspector noted that the blast included "pre-split holes, which are usually very loud." A number of blasts examined were a combination of pre-split and production blasts.

Interestingly, a month before that problematic blast on Aug. 21, the inspector had recommended that the mine "use more delays in pre-split shots to cut down noise levels and reduce number of complaints." It doesn't appear that the delays were changed.

Larry Conn reported that the blast on March 10, 1999, shook his house. The inspector wrote that the blast was "on a point with two open sides and weather was cloudy with light snow contributing to increased air blast."

28

As for the blast on April 23, 1998 that scared everyone, the inspector found it was "parts of three holes un-detonated in previous blast. Would have been very loud."

WHAT THE DATA SHOWS

We examined 182 blasts, of which 51 caused problems. This mine was different from the others because we examined blasts in 1997 and 1998 as well as 1999 and 2000. This is because the mine did not operate for part of 1999, and people had given up keeping complete records by 2000. We also had to use a different kind of blasting log, with different information for the 1997 and 1998 blasts. Mine officials could only find the records kept by the blasting contractor, but not the official logs that were kept when the mine had a different owner.

There seemed to be four factors associated with the problem blasts: location, amount of powder per delay, combined pre-split and production, and unusual shots.

This mine had the third largest blasts, after Elk Run and Evergreen. When the blasts were the closest to houses (3,600 feet), the problems came from those of more than 900 pounds per delay and in just two of the grids.

With the older blasts, the problem ones usually were again in just a dozen grids and had higher powder factors (more than 1 and as high as 1.5). There were a few other blasts with high powder factors in those grids. But they were mostly just production shots, and did not pre-split at the same time.

As the DEP inspector noted, pre-split shots did prove to be troublesome most of the time. Of the 29 combined production and pre-split shots among the 100 older shots, 22 caused problems.

AMEAGLE/COLCORD/DOROTHY Princess Beverly (Addington)

When you watch a blast go off from the top of Kayford Mountain, it seems like it is in the middle of nowhere. And the blasting logs note that for nearly every blast Stanley Park is the closest protected structure (usually 2,700 to 3,900 feet away). This is the cemetery and campground atop Kayford that was preserved by Larry Gibson.

But the map shows that the southern end of the mine follows Route 1 as it winds along from Whitesville to Dorothy to Ameagle. Nearly all the blasts take place southwest and south of Stanley Park, putting them less than a mile from Route 1. And it was the Litos brothers, George and Manuel, who kept lists of the blasts that seemed bothersome at their store along Route 1 between Colcord and Ameagle. They even filed a complaint on Sept. 16, 1999 that the blasts vibrated their windows.

A couple dozen other complaints have been filed about the blasting. But some people didn't know which mine was blasting, and didn't know how to contact DEP.

The complaint investigations were only cursory. The only significant finding by the inspector was that the Sept. 16 blast was actually two shots fired in close succession. The

16-3-5

inspector noted this "creates more noise than normal, but would not be out of compliance according to the scaled distance formula."

In fact in another complaint investigation, the inspector wrote: "In the case where it is believed that blasting has caused damage, the DEP's jurisdiction falls within one half mile of the blasting site. According to current laws and regulations, any structures outside of one half mile are not considered in danger of blast damage."

WHAT THE DATA SHOWS

We examined 106 blasts, of which 57 were noticeable enough to be noted by the Litos brothers or cause a complaint.

Again binder shots were a factor, with 19 of the 30 being problematic. As the inspector noted, sometimes two blasts went off nearly simultaneously and fairly close together. This happened 14 times, and nine caused problems. Three of the others were small blasts.

Generally, it was the blasts with larger amounts of explosive per delay that caused problems. The closer they were to the communities (and further from Stanley Park) the more likely the larger blasts were to cause problems. For example, there was not a problem with a blast of 1,392 pounds per delay when it was 2,500 feet southwest of Stanley Park. But there was a problem when the blast was 3,200 feet southwest of the park and had 1,386 pounds per delay.

This was one mine, though, where there was more variation in delays. Theoretically, longer and more delays will moderate the ground vibration. At this mine, longer delays did seem to make a difference in some of the blasts.

For example, on March 8, 1999, a blast of 1,200 pounds per delay went off 3,750 feet southwest of Stanley Park. It did not cause a problem and had delays of 9 ms., 200 ms., and 600 ms. A blast that did cause problems on March 43, 1999, was located in the same area and shot 1,294 pounds per delay. It only had delays of 9 ms. and 200 ms.

PIE Mingo Logan, Arch Coal

Deborah Hatfield has taken her most precious photos and knick knacks off her walls. Too many times, she says, things have fallen off and broken when the mine behind her home let off a blast. One morning in September of 1999, the house shuddered and pictures shook. Quickly she called the DEP Logan office. By now, she knows the number by heart.

The blasting is actually just the most recent insult from the mining. For five years, the Hatfields have suffered though one of the worst cases of subsidence from the long-wall mining under the Pie area of Pigeon Creek. The cement steps on the porch shifted, their lawn sank, numerous cracks formed and their well went dry. So it's hard to tell which damage is coming from blasting. It certainly is annoying, though.

Patricia Bragg, the lead plaintiff on the valley fill lawsuit was dragged out of her quiet life as a housewife six years ago when her next-door-neighbor's well went dry just as she

16-3-5

moved into her new house. Trish was able to get replacement wells for a couple dozen in the community. She avoided subsidence damage, and life with the mine was not overly eventful for a couple of years. Then the blasting began. Her house is older, and the roof has begun leaking. Whether the blasting has caused cracks and shifting is yet undetermined. Just recently, though, the mine offered her (as required) a subsidence survey. That way they would know how the house appeared before long wall mining began underneath.

Over Labor Day weekend, there was not one, but two washouts from the sediment ponds for the valley fill up Nighway Branch behind the Braggs and Hatfields. DEP determined that the mine had not cleaned the sediment and mud out of the ponds, and the muddy water washing off the unfinished fill had no where to go except down Nighway Branch. Bragg's home was spared, but the water went up to the second step of her neighbor's porch (the same one who lost the water six years ago).

It's getting hard to tell where the damage is going to come from next in this little community.

WHAT THE DATA SHOWS

We examined 154 blasts, of which 51 caused problems. When we went to look at the logs, the mine official gave us three sets of files for three different permits. We found that the mine sometimes blasted twice or even, a couple of times, three times within two or three minutes. The mine official said he did not know that was happening. Every one of the 12 occasions that we found resulted in a problem blast.

The Bragg house is about 500 feet southwest of a house that was used as the closest protected structure in at least half of the blasts. This is another mine that shoots a large amount per delay. Ninety of the 154 blasts were more than 600 pounds per delay. Of those, 35 caused problems. A few of the non-problem blasts were about 5,000 feet from the nearest protected structure.

But what seemed to make the most difference was timing. DEP maintains changing timing can make a significant difference. In fact, it is the one change DEP has experimented with. All but seven of those that caused problems used only two different delays. They varied: 100 ms and 42 ms, 100 ms and 9 ms, or 42 ms and 9 ms (all with 500 ms. down holes). On the other hand, 30 of the 55 larger blasts that did not cause problems had more delays, generally 9ms 42 ms and 100 ms, with 500 ms down holes.

The seismograph triggered on 16 of the problem blasts. The frequencies of 12 blasts were within the 4 Hz to 11 Hz range can amplify the shaking of a house. Only two air blasts exceeded 115 dB, however. This mine only had a couple of binder shots with one causing a problem.

VARNEY White Flame

When White Flame blasts on the mountain above Varney Grade School, there's often a palpable shudder at Judy Justice's home, about half a mile southwest of the mine. At

Jackie Keck's house, which is on the road up to the mine on the southeast side, things shake on the wall when the afternoon blast goes off. He's been considering trying to videotape the movement. Keck did some blasting while in Vietnam and other stints in the military. He thinks the solution would be to do a series of smaller blasts, like sections, instead of one big blast. That way there would be smaller amounts of compression to dissipate.

Several people have filed complaints, and Justice kept a detailed log, which often says whether the blast was light or hard. As a condition of its permit, White Flame also had to seismograph the blasts, so there is an extensive record of air blasts and frequencies.

The problematic blasts often seemed the ones with air blasts above 115 dB. Harold Ward, one of the DEP inspectors for the mine, said that over the past few years they have found complaints start when blasts go over 116 dB.

Justice believes her home may be more susceptible to the low frequency ground vibrations because it is newer and built on solid rock. Its natural frequency could be closer to that of the blasts. Indeed, the frequencies of the blasts are generally in the 4 to 11 Hz range.

WHAT THE DATA SHOWS

We examined 134 blasts, of which 63 caused problems.

Air blasts were one factor. Of the 25 problematic blasts for which there was a seismograph reading, 20 were 115 dB or greater. Of the 71 that did not generate complaints, only 16 were large enough to trigger the seismograph. Of those only five had readings of 115 dB or larger.

Amount per delay was also a problem. Of the 42 blasts of more than 700 lbs./delay, 27 generated a complaint.

The frequency readings are quite revealing. Thirty-five of the problem blasts generated a frequency reading. And 28 of those were within the 4 to 11 Hz range that OSM has found to amplify the vibrations of a house. Only 16 of the non-problem blasts generated readings, and only 4 of those were with the susceptible range.

Coal dust

The DEIS should document the numbers of non-miners who live in MTR regions and have breathing-related health problems such as asthma, and coal-dust-related disease such as black lung. The problem with coal dust is related, in part, to coal trucks (see below) and coal trains. Now that trucks are more frequently tarped, coal dust is less prone to roll off the vehicles. But, it still rolls off coal trains, often time directly onto nearby homes. (Non-coal dust is still a huge problem with coal trucks, see below.)

Coal dust problems associated with coal processing plants are perhaps best documented for the town of Sylvester, W.Va.

16-3-5

16-3-5

15-2-2

Jury finds Massey subsidiary liable in coal dust case

By Martha Bryson Hodel, Associated Press Writer, Feb. 7, 2003

MADISON, W. Va. (AP) -- A jury on Friday ordered a Massey Energy subsidiary to pay residents of a coalfield town about \$1 million in economic damages caused by coal dust falling on nearby houses, vehicles and other property. However, jurors did not award any punitive damages.

The six-person jury deliberated about 18 1/2 hours over three days before delivering its decision against Elk Run Coal Co. in Boone County Circuit Court.

The verdict came in a lawsuit filed by more than 150 residents of Sylvester who claimed Elk Run's operation, located no more than 750 feet from some of their homes, has destroyed property values, making it impossible for them to sell their homes and move.

Residents had submitted 110 individual damage claims seeking total economic damages of at least \$3 million. Jurors awarded a total of about \$1 million, said plaintiffs' attorney Brian Glasser.

One plaintiff, Mary Miller, said Sylvester residents have been "prisoners in our homes" because of coal dust falling from Elk Run's operations.

"I don't want money. My goal is to stop the coal dust so we can live our lives again," Miller said.

Jurors found that Elk Run had created a nuisance and had negligently harmed the plaintiffs. The jury also determined that Elk Run had failed to comply with federal and state surface mining laws by failing to control air pollution or failing to protect offsite areas from damage from its operations.

However, jurors declined to award punitive damages, saying Elk Run did not act with intentional or reckless disregard.

Jurors also answered an advisory question that gives Boone County Circuit Judge Lee Schlaegel the authority to place Elk Run's operation under the court's supervision. Jurors said "yes" when asked if Elk Run is creating a nuisance that is causing damage to any of the plaintiffs.

It will be up to Schlaegel to decide whether to order court supervision of Elk Run's operation.

The trial started in October and jury deliberations began Wednesday.

Because the jury found that Elk Run had violated the federal Surface Mining Act, residents will ask the court to order the company to pay an estimated \$2 million in legal fees and costs associated with bringing the case to trial, Glasser said.

15-2-2

33

He said residents also will ask Schlaegel to require Elk Run to implement a dust control plan the company outlined during the trial. A hearing on the company's dust control requirements could be held within two weeks.

That plan would include covering coal conveyor belts and truck and rail loading points. The number of trucks hauling coal into the plant would drop from 35,000 to 7,000 a year. Residents also want the judge to order that the trucks carry no more than 80,000 pounds, the legal weight limit on most state roads.

"If it's good enough for court, it's good enough for them to follow," said Glasser, whose firm has been working on the case for five years.

After the verdict, Glasser told about 50 plaintiffs: "This will provide some insurance that you won't have to put up with this in the future."

Another plaintiff, Pauline Canterbury, said she was happy with the verdict but feared residents would have to continue to police Elk Run.

"I wish I can say no to that question, but they are people you just can't talk to, and they have been from day one," Canterbury said.

Massey Energy spokesman Jeff Gillenwater said he had not seen the verdict and could not comment.

Sylvester residents in the audience applauded the verdict as the jurors were excused.

Unfortunately, Sylvester residents are reporting that the problems are not yet solved. Can the DEIS possibly document the social and cultural toll associated with living in a coal-dust coated town? We repeat, the numbers of people suffering illnesses that could possibly be related to both short- and long-term exposure to coal dust should be documented in the DEIS. How can the EIS assign value for lost time and increased aggravation for people who have to clean their homes daily? Sylvester residents relate having to wash previously washed dishes before meals because dust has settled on them. Elderly people put their health at risk when they undertake frequent, vigorous cleanings of their homes' walls and roofs. Also related to coal dust is property devaluation. Property values for homes and other buildings before and after MTR encroached on a community should be included in the DEIS. Stress again comes into play—both young people and the elderly residents worry that their homes, for which they have worked their whole lives, will be valueless should they have to sell.

Coal trucks

The dust from the big trucks and from the traffic going into the mines is awful and the company knows it's awful, but I almost have to beg the company to put down water to settle the dust. The large supply trucks going to the mines are slowly breaking down the truss bridge, which is the community's only outlet to the main highway. —Richard Bradford (see below: "Comments from individuals.")

Much publicity and political posturing has surrounded the issue of coal trucks in southern West Virginia's coalfields. While the issue is not solely a MTR issue, it is partly. Where coal is

15-2-2

10-8-2

34

shipped by truck from MTR mines, the DEIS should examine associated social and cultural impacts. As with all MTR issues, the impacts on peoples' health should be quantified. Fear, worry and stress are big aspects of this issue—which take a real toll on human health. Since people driving the narrow, winding mountain roads have been killed by coal trucks, fear is not unwarranted.

Coal trucks also induce noise-related and other stresses for people who live near coal-preparation plants. For instance, people living along Rt. 65 near the Delbarton Mining Company (in a scenario repeated all around the coalfields) have to put up with intense coal truck traffic. (A Massey Energy processing facility there apparently processes both underground and MTR-mined coal.) Trucks literally rattle the houses all day, from early in the morning until late at night, interrupting sleep. Mud the trucks' tires gather while traveling on the processing plant's unpaved roads dries to dust and flies off the trucks, coating peoples' homes. Sitting on the porch is no longer an option. Garden vegetables are covered in dust. Some people have abandoned summertime back yard barbecues. A walk across the street to get one's mail is perilous, as is pulling out from one's driveway onto the road. All these factors increase stress, and therefore health problems, for coalfield residents. Properties are potentially devalued.

Also, as with all MTR issues, people suffer from disenchantment with the political process. Coalfield residents feel their voices are ignored, while coal industry lobbyists get their way. Indeed, citizens attempting to lobby their legislators on this issue have had doors closed in their faces and have had to sit through legislative hearings where legislators openly consult and consort with coal industry lobbyists. Politicians are so obviously in the pocket of the coal industry that citizens lose faith in the political process. The DEIS should attempt to examine what this means for society's future.

In a June 11, 2002 Charleston *Gazette* article by Paul Nyden, "Coal truck debaters meet at Riverside High School: Citizen arguments pit safety against jobs," Prenter Hollow, Boone County, W. Va., resident Patty Sebok is quoted as saying that most residents did not favor an increase for coal truck weight limits: "Since most southern [West Virginia] residents and the northern truckers and residents do not want a weight increase, it seems to me that the citizens are not currently controlling our state government."

"Instead of government for the people, by the people and of the people, it appears as if it's government for the coal companies, by the coal companies and of the coal companies."

Another issue that the DEIS should examine, quantify and report on is the externalized costs that taxpayers pay when coal trucks from MTR mines damage roads and bridges.

Hernshaw residents fighting coal trucks; Attorney general, delegates offer to help with effort

By Brian Bowling, Charleston *Daily Mail*, Sept. 21, 2001

Hernshaw residents tired of coal trucks breaking state laws and endangering their lives developed a two-pronged strategy for solving the problem.

One prong is Delegates A. James Manchin and Mike Caputo, both D-Marion. The other prong is Attorney General Darrell McGraw.

10-8-2

35

More than 70 residents squeezed into a basement meeting room at the Hernshaw Methodist Church Thursday evening for a 90-minute strategy session.

Randall Boyd, the resident who organized the meeting, said residents are tired of dodging speeding coal trucks, having chunks of coal and strips of recapped tires striking their vehicles and coal dust coating their houses and lungs.

"I'm not against coal mining," Boyd said. "I'm not against trucking. But it has reached an unreasonable level."

The residents agreed on several goals including a petition drive to gather 5,000 signatures supporting changes in state law to make it easier for state weight-enforcement officers to document that coal companies are deliberately overloading coal trucks.

In imitation of John Hancock signing the Declaration of Independence, Manchin signed one of the petitions in large handwriting.

"There'll be no mistake where we stand, eh Mike?" he said to Caputo.

Manchin said they attended the meeting at the behest of the United Mine Workers and assured citizens that they would back their efforts even though no one in the room could vote for them.

"Whatever it takes, we're going to try to get it done," he said.

Most of the coal trucks traveling W. Va. 94 through Hernshaw come from Massey Energy Co. mines. The union is campaigning against the mostly non-union Massey to highlight how its operations affect coalfield residents.

The residents adopted Boyd's proposal that they hold a second meeting when the Legislature is in Charleston for its October interims. While the focus will be on talking with the Kanawha County legislators, Boyd said they plan to invite all 134 delegates and senators.

Cam Lewis, head of the Division of Highways' weight-enforcement program, said he's been trying to get the authority for years to use coal loading and unloading records.

"This is the first time in years that anyone in the Legislature has shown any interest," he said.

He also suggested residents push for a tarp law that would require coal trucks to cover their loads. Currently, an enforcement officer has to actually see coal falling off a truck before he or she can cite the driver for having an unsecured load, Lewis said.

Meanwhile, McGraw told the group that his office could seek injunctions against the companies selling and buying the coal as well as the trucking companies for conspiring to break the current state law limiting trucks to 80,000 pounds.

10-8-2

36

Once a judge issues such an injunction, all the companies involved become subject to fines and contempt of court actions if they overload another truck, he said.

Before his office can act, however, it has to receive authorization from the governor.

Coal truck safety weighs on minds of area residents

By Charles Owens, Bloefield Daily Telegraph, August 10, 2003

WELCH - When a coal truck snagged a cable line outside of Jerry Duncan's home in the small Filbert community, the man realized that congested coal truck traffic along the narrow County Route 13 was getting a little too close for comfort.

"They hit the line that crosses the highway, and it jerked it out of the room that I had fixed for a television room," Duncan said. "It just jerked that cord out, and ended up turning it loose, and it actually jerked the videocassette recorder around. I guess it was jerked out of the little cabinet it was in."

Duncan said the coal truck dragged the cable line about 75 feet down the road just past the residence of Gary Mayor Henry Paul. The incident happened last year, and it wasn't the first time a coal truck damaged the man's home.

"The coal trucks also ripped the guttering off of the side of the house once," Duncan said. "I was laying in bed, and all of a sudden I heard a thump and a roar."

Duncan, and many of his neighbors, have fought in recent years to keep coal trucks off Route 13 between Gary and Filbert because it is difficult for vehicles and coal trucks to pass each other on the small and narrow road.

"It's too narrow for two cars to pass - not to mention a truck," Duncan said. "We don't really need those coal trucks right here. The sidewalk is actually up against the side of my house."

"Me and most of my neighbors live between four bridges that are 16-ton weight limits, and they are already cracking on both ends that connect to the highway," Neve said. "That's due to old age and years of overweight coal trucks. My concern is one day we are going to wake up and not be able to get out of here. But our main concern is for the safety of our citizens here. I would say 80 to 95 percent of the folks who live here in Filbert are all retired. This is more like a retirement village."

Neve said mud and dust from coal trucks also is a problem in the Elbert community.

Comments from individuals

Below are comments (italics added for emphasis) from individual coalfield residents (and a few non-coalfield residents) as given to Coal River Mountain Watch, Delbarton Environmental Community Awareness Foundation and the Ohio Valley Environmental Coalition (original copies enclosed). Many of the people who gave comments to these groups may *not* have made their own individual comments directly to EPA. Nevertheless, they wanted to share their

10-8-2

thoughts on MTR for inclusion in our DEIS comments. *Please pay special attention to the voices of the affected people. These words tell the story of MTR that the DEIS fails to document.*

As you read these comments, please watch for recurring themes. Fear and anger are real in the MTR regions. These emotions are not to be dismissed because they are, well, emotions. They arise from the reality of life in the shadow of MTR operations. They arise from facts--health problems, flooding, blasting, political marginalization, loss of culture. They have a real toll on society and culture in the coalfields, which the DEIS must document and address.

Blackwater spills, fear for lives

My name is Patsy Carter and I live on the Tug Fork River. As I watch the beautiful green river, it makes me feel so peaceful and relaxed, then all at once the river turns black from a Massey Coal sludge spill. I am not against coal mining, but we need to deep mine coal and mine responsibly. There is no need to destroy these mountains and streams and our children's future to mine coal.

I fear for my life and my family's life when it rains. I think of ways to run for the hills for my life, from the floods caused by strip mining. I plan to keep my family pictures close to me so that I can save them.

The strip mining is taking everything from us and our children. They will have no future and will never be able to live as true mountaineers as we have and that is part of our children's heritage.

Under this blackened, horrible life we are forced to live with, because of irresponsible mining - this has made our state "Almost Hell" - instead of - "Almost Heaven." The people in Logan and Mingo county need to wake up.

Stop Mountaintop Removal and stop valley fill mining---stop filling the headwaters of our streams.

--Patsy Carter

Blasting damages

Monroe has lived here for 55 years and hadn't had any problems like this:

Mirrored tile fell in bathtub. Had to put up new shower wall.

Water now seeping in basement. Wall cabinet fell - broke all my dishes. (basement).

Had to buy new dishwasher and oven doors wouldn't shut.

Had to have main door repaired. Wouldn't shut enough to lock.

All doors inside house including cabinet doors won't shut good.

Ceiling tile on sun porch falling.

Floor hooved up in living room, dining room and bathroom.

Walls in 3 bedroom bowed out. Tile and mirrored tile in bathroom coming down.

Had to screw paneling back in 3 bedrooms where it came loose.

Counters unlevel now. Furniture stayed. Covered with dust. Pictures wont hang straight now.

All windows have to be screwed shut. Have white shingles on roof, which is now black.

Since '95, I have had 3 heat pumps put in.

Blocks in basement cracked. Can see outside - we put silicone in crack. Several large cracks by meter box outside.

Out building has large cracks - water now coming in cellar

--Margaret and Monroe Crouch

17-2-2

16-1-2

Flooding and fear, ruined water

(Comments deliverable at EIS public hearing in Charleston, W. Va.)

My name is Maria Pitzer. These are my children, Jessie and Chrystal Gunnoe. We are from Bobwhite in Boone County. We are against Mountaintop removal. **We are a family that lives in the constant shadow of mountaintop removal, valley fills and slurry ponds.** The mining around us has destroyed our quality of life. The blasting from the mines is a constant reminder of why our lives have changed so much. My children are not allowed to play in the water that runs through our property because the ponds run straight into it. The aquatic life in this stream is all but gone. **Catching bait or fishing is a waste of time now there isn't anything there to catch,** unless it would be some incurable disease. Who can say that, with the utmost certainty, this will not endanger my children's health? You, the panel of people who say that what the mine companies are doing is okay. I'm sorry but this has not yet been a trustworthy source.

I have lived on this same property for 35 years of my life. In the same town with the same people, that's all saying the same thing "Mountaintop removal is going to run us out of our homes and off our land like it has so many before us" and I'm beginning to wonder, are they right?

We were flooded in 2001--3 times. With each rainstorm the creek and river fills up more with rocks and debris. In 2002 we were flooded once again. The creek now runs much deeper and faster than it ever has. Then on June 16th of 2003 we were flooded horribly. The storm was what the mine company called a once-in-a-hundred year storm. I heard it was an act of God, which is like saying that the Buffalo flood was an act of God. *I remember when I was a child it rained until I was running in water to my knees in this same yard that is now gone. These catastrophic floods didn't happen then. Why are they happening now? MTR is why. I'm not sure what all the scientific tests tell you, but Common sense tells me that if you pour water onto a rock it's going to roll off, if you pour it into soil it will absorb.*

The flood on June 16th has ruined our life. The rains came and the hollow coming through our property rose so fast that we didn't have a chance to react. We were trapped in every direction. The river running by me was still clear and the hollow washing into this river was raging. I was being flooded by a stream that 3 years ago, before the stripping started, I could step over. Within 3 hours after it started raining we had lost almost everything. The water coming by me was sent in on mudslides that filled the creek and move the water closer to our house. The mudslide tore through my barn and through my orchard of fruit trees, where there was one of our dogs was tied out. The water and mud came so fast that we couldn't get our dog out. The next morning his collar was lying in the water's new path. As the water and mud continued down it filled a 5-foot culvert that had just recently been put back in from the storms of 2001. From 1981 until 2001 it was 3-foot culvert. It was part of our access. The water washed around the 5-foot culvert and took out my septic system, my bridge and all of my drive way and most of my yard. My yard now drops into a 15-foot crater. It's not safe for my children to play in their own yard. The entire path that this creek took through our property has been destroyed. There is still more mudslides in this creek's path waiting to come out. The quality of our well water has compromised to say the least. Up until the 16th we had good water but now it's terrible. We are now carrying water.

17-2-2

39

Thank God that the flood water and mud stopped 20 feet short of our house. Our house as of right now is okay. **OUR HOME IS DESTROYED!** *The life that we have always known is now non-existent. Hikes through our own land are now unsafe. We have so many slides and mining breaks. We are of Cherokee nationality and we have always been taught to live off the land. This heritage will no longer be passed down because it is being destroyed with each blast. Everyone that has a hand in allowing this mining practice to continue is allowing WV and its heritage to fade away. We the people of WV are going to pay the ultimate price. We have to live here after the coal is gone. The mine companies don't care to leave us in ruin and leave our people poor. Leaving for us would mean a complete change of lifestyles, something we are not willing to do.*

As a family we use to love to sit on my front porch and watch a storm come and go. Now it terrifies us to see a storm come. When the rains start everyone gets scared of what going to happen next? If it's raining no one in our house sleeps. My daughter at 9-years- old is constantly worried with the mining going on around us. She seen a sticker that said, "Coal keeps the lights on." She replied by saying, "Yeah, but the trees keep our air clean. She knows what affect MTR, valley fill and ponds are having on us. Yet the college-educated scientist is still looking for the reasons we are all getting flooded so horribly, so often. Hopefully this will open up your eyes and make you see that the community impact of MTR is simply devastation. The rights of people in Baghdad it seems are more important than the rights of the U.S. Citizens. I know our rights to life, liberty and the pursuit of happiness are pretty much gone, thanks to MTR and its practices. If you can sleep with yourselves, I guess we have no choice but to stay up with the storms.

--Maria Pitzer

Surface mining destroying Whitesville

I wanted to voice my opinion AGAINST Mountaintop Removal Valley Fill mining. This mining is NOT producing jobs, just the opposite, it is destroying jobs

The town of Whitesville is dying with each new surface mine. The surrounding communities are disappearing from the effects of Mountaintop Removal, the blasting and the flooding. The animals are running from the hills from lack of habitat, and are coming down into our homes and yards.

The blasting is destroying people's homes, and then we have floods caused by this type of mining. Our children will NOT have a place and our mountain culture and heritage is being destroyed with each mountain.

We are the poorest people and we live in the coal rich counties. Why?

The coal companies DO NOT put anything back of economic development. There is NOT one development site on the 90,000 acres destroyed in the Coal River Valley. The coalfield schools are being closed and as a matter of fact -- 2 schools were closed this year, and both are within 1 mile of many Massey Energy mines. Coal is NOT giving anything back.

President Bush should come to these hollows and talk to the people who live with the effects of this mining. The recommendations in this study is pure HOGWASH!!!!!!!

P.S. I live in the coalfields, born and raised.

--Lisa Henderson

17-2-2

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10-2-2

40

Brother left homeless by floods, doesn't find wild things in the mountains anymore

My name is Jack Brown, Jr. and I live at 104 Finley Circle in Walhonda Village, which is in the Clear Creek Hollow. I am a lifetime resident of the great state of West Virginia. I was born in 1935 at Edwight, WV and my dad was a retired coal miner. I watched him die of black lung 6 years ago.

When I was a small boy living in the coal camp at Edwight, Whitesville and the surrounding areas there were thousands of coal miners working in the mines, not like today when only a few work in the mines.

I have seen the streams run black with coal dust. But not the whole tops of mountains leveled. The sludge dams they have built and the water they have polluted, coal trucks ruining the highways--for only a few real jobs? Believe me, I am not against jobs.

When they polluted in the old days, at least 10's of 1000's of coal miners had good paying jobs. Then the let down happened; the mines shut down and the coal market dried up, people left the state to find work.

But here we go again. Big coal companies have found a cheaper way to get the coal. Not like my dad got it, but by removing 1000's of mountaintop acres, filling in the little hollow streams. I used to catch spring lizards for fish bait. We don't find the wild things in the mountains like that any more.

Big coal has bought and paid for politicians they own and don't give me much of a say so in the matter. They promise me better, but big coal uses their money to change the laws to suit them.

I watched the flood waters wash over my brothers house, killing his animals and leaving him homeless. I saw what happened to Boger Hollow and Sycamore Hollow when the sludge ponds broke. I watched my friends and neighbors cry wondering what to do next. Now what did big coal do? Not our fault; an act of God; It wasn't our fault the dam busted and you cry-babies lost everything you had.

In finishing this little letter--I'm going to stay here in my little home and I'm going to fight with the big coal for a decent place to live without a polluted environment like we have now and not one law maker to go to bat for me.

I guess I'll be fighting for a long time or at least until someone does something to stop this land raping, polluting the water like big coal is doing. Oh yes, before I close, the Governor of our State will only be a one-term governor, so if you can stop the raping of my beautiful mountains and stand up to big coal. Please give me your name. I want to stand behind you and support you for governor.

--Jack Brown, Jr.

Cost of buying drinking water

I live in the city of Lexington, which is in the Bluegrass region of Central Kentucky. Most of the population of the state is here in Central Kentucky. We get our water from rivers such as the Cumberland, Kentucky, and Licking Rivers. All three of these rivers originate in the mountains

of Eastern Kentucky, where mountaintop removal is annihilating watersheds and contaminating our water supply. We, who live here in Central Kentucky, are forced to pay for the cleanup costs of mountaintop removal through extra water purification costs that are passed on to us through our water bill. And you can't tell me that the water's clean, even after all that processing at the water plant. It just means they have to put more chemicals in, which pollute our water further. The heavily chlorinated smell of the water around here makes me sick - and here's another indirect cost of mountaintop removal that's passed on to me every day: I buy filtered water from the health food store, which I cannot afford. Because of health conditions, I drink a lot of water, and these costs add up. Mountaintop removal is breaking my bank while it's ruining my state.

--Perrin de Jong
Kentucky Heartwood
P.O. Box 555
Lexington, KY 40588

Massive Ruination

Mountaintop Removal is Massive Ruination, not only to the beautiful Appalachian Mountains of West Virginia, but also to every creature whose existence depends on these mountains for their survival, from the streams covered by Valley Fills to the valleys below, where citizens dwell.

It leaves barren lands, valleys filled with debris and polluted streams and airways from rock dust and coal dust. It destroys land, citizens' possessions and their health, it leaves slurry impoundments of toxic disposal seeping into our water table.

What once started as an asset to the State of West Virginia has become a liability and the State of West Virginia taxpayers are paying for their damages.

Hazards of Mountaintop Removal

- Barren Mountains
 - Endangered Species
 - Endangered Trees
 - Flooding
 - Toxic Valley Fills
 - Air Pollution
 - Contaminated Water
 - Destruction to Citizens Property
 - Blasting Damages
 - Health Hazards
 - Damaged Highways
 - Damages Bridges
 - Unsafe Run-off ponds
 - Slurry Water Spills
 - Dammed-up Rivers
- (Not signed)

Psychological scars

My scars from mountaintop removal have been more psychological than physical.

All my life, I have been free to roam the mountains and valleys near my home. Now, I would be considered a lawbreaker and a trespasser if I were to go back to these places. The first thing a coal company does when it takes a lease is to build a gate, hire security guards (whom they dress as county deputies to intimidate the public), and install cameras to limit access. I consider this to be an infringement of my civil rights.

10-2-2

Sometimes a blast from a nearby mountaintop surface mine will rattle the windows and doors in my house, even to the point of hearing the sheetrock tear from the nails in the ceiling, and if the blasting gets closer the whole house may slip off the props holding it up and slide onto the railroad tracks down below.

And maybe a large boulder from the cliffs up above the house will be dislodged by the blasting and destroy the house.

I have Public Service District water, but I also have a deep well, which I hope will not be harmed by the blasting.

The dust from the big trucks and from the traffic going into the mines is awful and the company knows it's awful, but I almost have to beg the company to put down water to settle the dust.

The large supply trucks going to the mines are slowly breaking down the truss bridge, which is the community's only outlet to the main highway.

15-2-2

My yard is full of squirrels, rabbits, and bears that have been chased out of the mountains by the blasting of the strip miners and by the logging, which is a precursor to mountaintop removal stripping. The little animals coming out of the mountains are nothing more than skin and bones because their food source has been removed. I love to feed these little animals, but I would like to see the coal companies and logging companies pay part of the feed bill.

I would say that mountaintop removal strip mining has had a severe impact on my life and the life of my community.

--Richard A. Bradford

Delbarton, Mingo Co. citizen concerns about coal waste impoundments, coal dust, blasting, floods

1.

I, as a resident and business owner of Mingo Co., think if you build these ponds around residents you should buy us out and relocate us. Don't put people in danger. Coal is not worth our health or our lives. Put in mind first. I'm all for mining coal but do it safe and there won't be no problems. After all as a owner of a pizza place, if I don't do it right the people would put me out of operation. So lets do it right and there wont be no problem. And I wouldn't blame them.

Thank you

P.S. So do it right. That's the only way!

--Troy Columbia

2.

Coal waste impoundments are an accident just waiting to happen. I base this opinion from past experiences: Buffalo Creek, Logan County, WVa. And Wolf Creek Martin County, KY.

43

Also I can see no possible way that the people in this valley could be evacuated in case the impoundment fails.

--William Hall

3.

I am opposed to the slurry pond impoundment. With all the rain I am afraid it will break and we will have a disaster like Buffalo Creek. *I live below the pond, in a valley, and if it breaks there will be no place to go fast enough to reach safety, lives are endangered here, also the more they blast and mine, the worse our water gets - the dust is awful.*

--Dottie Maynard

4.

We have noticed some cracking in our sidewalk. We would be very concerned if a pond was installed in our area. We don't want to see another disaster from this action. A crack in the sidewalk is very minor compared to the disaster a pond would possibly make. We can live with sidewalk cracks, hopefully that's all that will occur.

--Gary and Brenda Hunt

5.

I am against blasting and the mining underground. If they were to mine we would be forced to move yet again from the area. Slurry ponds are not a necessity around such a rural area. They will cause grief and worry for residents all around Hull Creek as well as Hull Creek Hollow. Also Mountaintop Removal causes sludge to run into streams, creating even more unsafe water for all life, not just humans. We must take care of what we've got, because if we don't do something, some heartless bastard will!

--Bobby Sturgill

6.

Structural damage, cracks all in garage floor, crack in blocks and cracks (hair line) all over driveway, one large one, caused by blasting in early morning hours. Value of the property dropped when sludge pond was approved by state. We were declared as living in high-risk zone. Noise from mine equipment day and night, and coal dust damage. Several occupants would prefer to relocate, and would like to be bought out for a fair market price and relocation expenses. New garage, cement and home improvements app. 5 yrs. old.

--Fred Smith, Delbarton

7.

I worry about the safety of my children and grandchildren. I don't think these impoundments can be made safe. The underground mining in the area could affect this impoundment. The mineral rights I own can never be recovered because of the presence of this coal waste impoundment. It has devalued my property. The added truck traffic and trains have made our lives miserable. Our well water quality has been affected as well.

--James F. Maynard

8.

44

Living near a coal waste impoundment, not only depreciates the value of the property for the home owner, or puts the ground water supply into question, or anxiety during heavy rain periods, thinking this may break, but it devaluates life itself.

To anyone not living in the coalfields... we are giving up our environment so you may light yours. Please think of us hillbillies, when flipping your light switch.
--Walter Young

9.
Having a coal waste impoundment within a quarter mile upstream is a very anxious situation, not to mention the dust and coal truck traffic every day, which is a very unhealthy environment to any one. Just wonder what it is doing to our underground water supply, just to put in words, its like living in exile, it has destroyed our way of life.
--Carol Young

10.
First you wonder what the coal companies are releasing into the water. If it will make you sick or cause death before your time. If it don't kill you, the next thing you worry about is if this thing burst will you be alive or if everything you work for will be destroyed. *You live in a "panic" from one minute to the next and if it rains from 2 or 3 days you get very anxious. I don't think this is any way to live!* Next you wonder what these coal companies are hiding.
--Leroy Runyon

11.
Fear, anxious, panicky, afraid – these are a few words I use to say how I feel about coal waste impoundments. When the TV or radio give a flash flood warning you wonder if you are going to be alive the next minute or not. If it is going to be another Buffalo Creek or Martin County. You wonder what the coal company are releasing from the coal impoundment in the water tables that you are drinking and why are they so secret about these coal impoundment.
--Geneva Runyon

12.
My family and I feel threatened by the presence of the impoundment that is constructed at Delbarton Mining Company. When it rains heavy, we worry what could happen if it broke. We are also concerned about how the underground mines will affect the stability of the impoundment. Also, there is more dust in the area, which is hurting people and causing breathing problems.
--Larry and Alisa Maynard

13.
Blasting shakes my foundation. Coal dust is all over everything. 18-wheelers running overloaded way too fast. Our well water is mined. The slurry pond is too dangerous for all of us that live here in this area. So many of the ponds break for different reasons. Don't want to be one of the ones to get washed away.
--Betty Wilson

14.

The fact that no one let me or my family know about the sludge pond at the mine site really upsets me. It's a scary thing to think that it could break and wash us away like other sludge ponds has done in other places and to see this in newspapers and on TV. I would really hate for this to happen in my neighborhood. *I have two children I try hard to protect. I can't protect them from this!*
--Dorothy F.

(End of comments from Delbarton residents.)

Ecocide
MTR desecrates the earth God made for us all to be good stewards of and destroys this earth that future generations will depend on to live. Whole ecosystems are being wiped out along with streams that supply water and valleys where crops can grow. This is a crime against Mother Earth and her people and affects the wellbeing of the whole planet.
--Barbara Warner
1955 Tatum Lane
Lebanon, KY 40033

Lost Tourism
I love to visit the mountains. If the mountains are gone, there will be no reason for me to visit. I do not care to visit a MTR site or a valley fill, even a "reclaimed" one. I don't think we should be replacing out natural landscapes with non-native organisms. We must stop destroying God's gifts.

Ray Barry
Lexington, KY

Holocaust
I wish to enter my comments into the record about mountain top removal.

I was born in WV and have lived here all my life except for a short period of time. I am deeply concerned about this type of mining, as it will effect the environment harshly. This will destroy streams, forestland, fish wildlife, that were created by God. We need to protect it from this certain destruction and i believe it is mankind who is in charge of this task.

I do not believe the system in place is going to do anything but allow for the destruction of the land for many years to come, maybe forever. This type of mining is too destructive and should not be allowed. The coal mining jobs will be lost to big shovel and fast moving coal trucks and nobody is going to benefit but the few on top of this action. The human society will be the looser, fisherman, hunters, fresh water drinkers, coal miners, homeowners, wildlife lovers, wood producers etc.

I make these statements not for myself but for the human beings who have to live after this holocaust takes place, if we allow it to happen. We are very short sited if we do not see what perils lies ahead for us.

Sincerely,
Larry Dadisman

1-9

912 Greendale Dr.
Charleston, WV 25302

Left out information

Why wasn't the "No Mountain Top Mining Alternative" assessed as one of the final alternatives?

A "No Action Alternative" was assessed. This alternative is unacceptable to most people (except perhaps the coal industry) and probably won't be selected.

Banning MTR is certainly not impossible. Other horrible environmental practices have been banned in the past (such as use of DDT, ozone depleting compounds, building of hazardous waste landfills in WV, construction of nuclear power plants, etc.).

Sure, the coal industry may not be able to mine coal as cheaply or quickly. Our electric bills would probably go up. Fine. That might only serve to make alternative and cleaner energy sources closer to becoming reality, sooner.

But, consider the positive impacts of the "No Mountain Top Mining Alternative." I would have like to have read about the impacts of this alternative.

In my opinion, this EIS is flawed and unacceptable, because it did not list the "No Mountain Top Mining Alternative" as one of the final alternatives.

--Mei Tyree

Disenchantment with the political process

What is the social and cultural fallout when people stop believing in the democratic process that is the foundation of our nation? Will the EIS address this?

People in the coalfields have witnessed so much corruption that it is hard from them to continue participating in the political process. Why bother? This, of course, is what the coal companies and their most attendant politicians and so-called regulators would most like to see—a silent, complacent, demoralized and politically inactive population.

Coalfield residents have seen it over and over—the coal industry's reckless disregard for laws written to protect the people and the environment. When citizens have made headway, via lawsuits and/or organized citizen action, to get laws enforced, the rules and laws are changed, and rarely, if ever, are they changed in a way that benefits coalfield residents.

Although West Virginia ranks 49th in per capita income in the country and dead last in median household income, the state ranks at the top in per capita expenditures on various forms of corporate welfare. For instance, under the administration of former coal executive Governor Cecil Underwood, the coal industry escaped more than \$400 million in Workers' Compensation Fund debt.

Coal has been the dominant player in West Virginia's political scene for more than a century. Growing campaign contributions from coal sources fueled the 1999 state legislature's resolution supporting "all methods of coal mining," a resolution that was specifically directed at mountaintop removal mining. A tax law passed in 1999 has dramatically reduced coal property

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47

taxes, while increasing the tax rate on individual property owners. In the 2000 and 2002 state legislative session, coal's legislators killed a bill that would have set stronger enforcement mechanisms for overloaded coal trucks. Also in 2002, the coal industry received a \$2.5 million break in the amount they are required to pay for their water pollution permits.

According to the West Virginia Peoples' Election Reform Coalition (PERC), Governor Bob Wise did not receive as many coal dollars during his election campaign as the bought-and-paid for Cecil Underwood. Nonetheless, 15 percent of all contributions to Wise's inaugural ball (\$105,000 in \$5,000 donations, enough to buy 21 tables at the ball) came from coal industry sources. Total coal industry contributions to Governor Wise for his 2000 election campaign and inaugural amounted to more than a quarter of a million dollars.

The governor raised over \$70,000 at a re-election fundraiser in March of 2002 while the legislature was debating increasing the weight limits for coal trucks. Most of those contributions came from coal companies, coal haulers and land holding companies. For instance, Wise received \$20,500 from employees and spouses of Riverton Coal and its parent company RAG Coal International. This is the largest single-day giving to Governor Wise that PERC has seen from any array of individuals associated with one corporation since it began monitoring campaign financing in 1996.

The coal industry got its coal truck weight limit increase.

This is just one recent example of the coal industry's dominance of the political process (as is the DEIS, with its absurd recommendations vis a vis the science contained in the document.) How will the EIS document coalfield residents' loss of faith in the political process upon which our government is based? What weight will be given to the impacts this erosion of faith in the system has on society and culture?

Externalized costs

While an EIS is not supposed to examine economic issues, this DEIS does, but in a very skewed manner. So, if you want to bring economic studies into play, how about a little balance? The EIS should examine ALL the externalized costs associated with mountaintop removal / valley coal mining. Taxpayers are left footing the bill for massive clean up costs associated with MTR-exacerbated flooding. Taxpayers pay for MTR-related tax credits given to the coal industry, such as the billion dollar super tax credits that were supposed to create jobs, but which actually helped coal companies purchase the massive draglines that replaced human workers in droves. Taxpayers also pay out millions when citizens have to resort to the courts to get regulatory agencies to enforce mining laws. Long-term costs of the environmental degradation associated with MTR are unknown, but should be identified and quantified.

Unreported in the draft EIS are what the current and future costs to society are in terms of:

- MTR-exacerbated flooding;
- reclaiming abandoned mine lands;
- disrupted hydrological systems;
- drinking water replacement;
- lost hardwood forests' potential lumber value;
- coal waste impoundment disaster-avoidance and/or disaster clean up;

11-9-2

48

- lost value of life-essential ecosystem services;
- lost way of life (see below: "Lost culture / way of life")
- altered microclimates and regional climate (as an example, the destruction of millions of trees reduces the transpiration of water, which affects both humidity and air temperature; also, the loss of hundreds of thousands of acres of forests canopy-shade--and the tops of the mountains themselves also affects weather patterns);
- declining political participation as government collusion with coal industry operators decreases public faith in the democratic system.

The long, and as yet, not-fully-identified list of externalized costs bring more negative social impacts. When real production costs are foisted off onto communities, governments and the environment, the true costs of coal are suppressed. MTR companies can sell MTR-coal for a price that does not reflect the true cost, since the company is not paying those costs. This sustains the market for MTR-coal, and decreases the competitiveness of other energy sources. This delays the inevitable rise of truly cleaner, alternative energy. Coalfield residents are thus denied a chance at the jobs available in truly cleaner alternative energy sources, as well as the environmental benefits associated with truly cleaner alternative energy sources.

By allowing coal companies to externalize costs associated with MTR and thus delaying the switch to cleaner forms of energy, government is allowing global society suffer greatly, perhaps catastrophically, as global warming increases. According to a Dec. 30, 2003 *GreenBiz.com* article "Global Warming Insurance Claims Grew to \$60 Billion in 2003":

MUNICH, Germany, Dec. 30, 2003 - Munich Re, the world's biggest re-insurance company, has attributed a sharp increase in weather-related disasters around the world to global warming.

In its latest annual report, the company -- which insures insurance companies -- puts the combined cost of this year's global natural disasters at more than \$60 billion, about \$5 billion more than the year before. Insured losses increased to about \$15 billion, a jump of \$3.5 billion from the previous year. The number of natural catastrophes recorded was around 700, roughly same level as 2002.

The report also found that more than 50,000 people were killed in natural catastrophes worldwide, almost five times as many as in the previous year. The company attributed the jump to the heat wave in Europe and the earthquake in Iran, each of which claimed more than 20,000 lives.

(As an aside not directly related to DEIS comments, it is interesting to note that global-warming-related disasters killed far more people in 2003 than terrorists did, yet the US government is opposed to taking any meaningful action to curb global warming. This observation does prompt the DEIS-related question: Are our national priorities to sustain the systems that sustain life (and thus the economy) or to make the quickest buck possible and let future generations attempt to deal with the mess?)

In an Oct. 14 *Sacramento News & Review* article, "We're Melting," Melinda Welsh writes:

11-9-2

Ultimately, there is little doubt that we are creating a future in which large portions of the Earth will be flooded routinely; huge storms regularly will cost thousands of lives and cause billions of dollars in damage; mass migrations will be likely; and famines and droughts will starve and kill large numbers of people, especially those living in the Third World.

The final should itemize and quantify all current and future MTR-related externalized costs, especially from the perspective of ecological economics, rather than the increasingly outmoded, traditional field of economics (which condones industries externalizing costs onto society as a whole with no regard for ecological reality).

From the *Stanford Report*, December 1, 2000:

How much is an ecosystem worth?

It's easy to put a price tag on timber harvested from forests or copper mined from the ground, but can we put an economic value on the less tangible services ecosystems provide, such as water purification and flood control?

A group of 30 scientists, lawyers, conservationists, economists and policymakers recently came together at Stanford to discuss novel ways to market "ecosystem services" with the ultimate goal of protecting the ecosystem itself.

...ecosystem services are the processes through which natural systems support human life by purifying air and water, detoxifying and decomposing waste, renewing soil fertility, regulating climate, preventing droughts and floods, controlling pests and pollinating plants.

Watersheds may be among the most marketable of all ecosystems, according to several panelists, because they provide essential services such as water purification and flood control.

In "The Value of the World's Ecosystem Services and Natural Capital," Robert Costanza et. al (<http://esf.colorado.edu/ISSE/ecovalue/>) write:

The services of ecological systems...are critical to the functioning of the Earth's life-support system. They contribute to human welfare, both directly and indirectly, and therefore represent part of the economic value of the planet. For the entire biosphere, the value (most of which is outside the market) is estimated to be in the range of US \$16-54 trillion per year, with an average of US\$33 trillion per year. Because of the nature of the uncertainties, this must be considered a minimum estimate.

Historically, the nature and value of Earth's life support systems have largely been ignored until their disruption or loss highlighted their importance. For example, deforestation has belatedly revealed the critical role forests serve in regulating the water cycle -- in particular, in mitigating floods, droughts, the erosive forces of wind and rain, and silting of dams and irrigation canals. Today, escalating impacts of human activities on forests, wetlands, and other natural ecosystems imperil the delivery of such services.

11-9-2

Many of the human activities that modify or destroy natural ecosystems may cause deterioration of ecological services whose value, in the long term, dwarfs the short-term economic benefits society gains from those activities.

We believe that land use and development policies should strive to achieve a balance between sustaining vital ecosystem services and pursuing the worthy short-term goals of economic development.

Short-term profit for a handful of individuals comes at great long term cost to all of us and our children and their children. Can't the EIS at least give us a total accounting of the externalized costs associated with MTR? If not, why?

Flooding

I fear for my life and my family's life when it rains. I think of ways to run for the hills for my life, from the floods caused by strip mining. I plan to keep my family pictures close to me so that I can save them. —Patsy Carter (see above: "Comments from individuals.")

As a family we use to love to sit on my front porch and watch a storm come and go. Now it terrifies us to see a storm come. When the rains start everyone gets scared of what going to happen next? If it's raining no one in our house sleeps. My daughter at 9-years-old is constantly worried with the mining going on around us... She knows what affect MTR, valley fill and ponds are having on us. Yet the college-educated scientist is still looking for the reasons we are all getting flooded so horribly, so often. —Maria Pitzer (see above: "Comments from individuals.")

Several agencies (WVDEP, OSM, ACOE and USGS) have done the studies, which support both common sense and historical fact. Denuded landscapes cannot manage water the way intact ecosystems can. Deadly disasters related to the denuding of forests (and heavier storm events linked to global warming), which can be likened to the deforestation associated with MTR, recently have been garnering headlines: mudslides after the wildfires in California; landslides and floods in the Philippines and Thailand. Remember, too, in West Virginia our national forests were established to ease the flooding that ravaged the state after it was clearcut in the early 1900s. MTR is the ultimate clearcut. Simply put, MTR exacerbates flooding.

You've got the first hand accounts from people who have commented directly on the DEIS and from individuals' comments contained within this document. You've got the news stories. You've got the studies. And you've got your politically-motivated, ecologically-ridiculous recommendations. What you don't have is documentation of the social and cultural toll of MTR-exacerbated flooding.

Since 2001, 15 people have died in floods in southern West Virginia. (This figure does not include the two people who died in the widespread floods of mid-2003, which occurred both outside and inside MTR regions.) Coalfield residents know some of the recent flooding is directly attributable to the surface disturbances and valley fills upstream from their communities. The clean up and repair costs for the floods that victims see as clearly linked to MTR (and virtually unregulated logging) has topped hundreds of millions of dollars—an externalized cost which should be reported in the EIS.

11-9-2

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Families living near MTR operations and/or coal sludge impoundments have told us (groups like Coal River Mountain Watch and the Ohio Valley Environmental Coalition) that every time there is a heavy rain happening or predicted, they worry excessively. It is no rural myth that some children and their parents will sleep—well, attempt sleep—in their clothes when a heavy rain is happening or predicted. Some children feign illness if the rain comes early on a school day—they don't want to be separated from their parents should the floods come. Some people keep their car trunks packed with precious possessions, such as family photographs, just in case they should have to flee for their lives as water rises. The constant fear and lack of a feeling of security must take a toll on people's health. The anger too, at the coal companies' denial for any blame, must affect health. Families may suffer and break apart under the strain. These are social and cultural effects of MTR that the EIS must examine.

In June 2003, a deluge poured off a mountaintop removal site above the 50-year-old home of Maria Pitzer. The operation started above her home a couple of years ago.

The Charleston Gazette reported:

Ten miles away, Maria Pitzer had problems of her own. It had barely begun to mist rain, and suddenly the creek in front of her house rose two feet.

Of course, the creek hadn't been itself since June. That's when a heavy rain washed off a strip mine on the hill above Pitzer's 50-year-old house and slashed a ravine through her yard, 12 feet deep and 60 feet wide in spots. The floodwaters ripped her dog from his collar, and would have swept her 9-year-old daughter from Pitzer's arms if she hadn't slung the child across her shoulders and waded to safety.

Since that day, every time that creek rises the tiniest bit, Pitzer panics for herself, her husband and her two children. This time, she suspected the mine had let off water, thinking the rain might overflow the pond. She called the state Division of Environmental Protection. What's going on? she asked. The inspector said he looked at the mine ponds. Everything seemed to be working OK, no breaks.

But Pitzer has to wonder: Is this what happens when everything's working OK?

"It'll be 12:30 at night, I'm laying in bed, and it'll sound like the creek's up," Pitzer said. "So I'll get a flashlight and go out, and sure enough, it will be." Rain or no rain.

"That makes it hard to sleep. You never know what it [the creek] is going to do. Nothing in my life is normal anymore."

Pitzer still displays her homemade sign alongside the rubble-filled ravine where her yard once was: "Stop MTR [mountaintop removal]."

But, Pitzer said, "Even if they would stop the mountaintop removal right now, we'd still be dealing with it tomorrow and the day after and the day after."

17-1-2

"Our future is basically trashed, and it seems like nobody gives a crap."

The increased risk of flooding in MTR regions is taking a psychological—and thus physiological—toll on people, which should be documented in the EIS.

As in almost all MTR-related social and cultural impacts presented in this document, the increased likelihood of flooding for MTR regions is probably contributing to the devaluation of personal property. This also should be documented in the EIS.

Falling property values

Sylvester resident Mary Miller has an immaculately maintained large brick home, with hardwood floors. Her property used to be valued at \$144,000 (and would be worth much more in a larger city), but she says it was recently reassessed at a \$12,000 value. This home represents the life savings of Mary and her husband and was their retirement safety net—until coal dust from a near-by Massey Energy coal processing facility began coating the town. There may be other factors that have contributed to the home's devaluation, which in themselves may be linked to the encroachment of mountaintop removal (dwindling populations, school closings).

Throughout MTR regions, homes are losing value. Blasting damages properties and ruins water supplies. Potential buyers are scared away because of fears of future flooding, worries about potential coal sludge impoundment failures, coal trucks, coal dust, groundwater and surface water contamination, lost recreational areas and lost beauty and serenity. The EIS must assess property values in communities both before and after MTR operations begin. How can the EIS make an accounting of the social and cultural costs to families whose property is losing value? What does this loss of value mean for people's current financial status and that of future heirs? What does it mean for communities and their tax revenue? How much wealth and tax-base is being lost?

Lost culture / way of life

The life that we have always known is now non-existent. Hikes through our own land are now unsafe. We have so many slides and mining breaks. We are of Cherokee nationality and we have always been taught to live off the land. This heritage will no longer be passed down because it is being destroyed with each blast. Everyone that has a hand in allowing this mining practice to continue is allowing West Virginia and its heritage to fade away. We the people of West Virginia are going to pay the ultimate price. We have to live here after the coal is gone. The mine companies don't care to leave us in ruin and leave our people poor. Leaving for us would mean a complete change of lifestyles, something we are not willing to do... I know our rights to life, liberty and the pursuit of happiness are pretty much gone, thanks to MTR and its practices. --Marla Pitzer (see above: "Comments from individuals.")

Our children will NOT have a place and our mountain culture and heritage is being destroyed with each mountain. --Lisa Henderson (see above: "Comments from individuals.")

The Appalachian Mountain Culture is, of course, unique in the world. Mountaintop removal is destroying the landscape that created and supports that culture. THE DEIS

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fails miserably to document and make recommendations to abate this loss. The agencies in charge of creating a valid scientific EIS on MTR must make every effort to exhaustively study and quantify the social and cultural impacts of mountaintop removal. At the very minimum, the social and cultural effects of MTR removal listed herein must be taken into account in the final EIS. The final EIS recommendations must accurately reflect these effects and must include recommendations for actions that will relieve and eliminate the negative social and cultural impacts of mountaintop removal / valley fill coal mining.

Cultural continuity is in jeopardy because of MTR. Where MTR operators have already completely bought out/driven away entire communities, there the local culture is dead. Where culture dies, so dies the knowledge of previous generations: how to cane a chair, how to build a fiddle, how to weave a basket, how to harvest ginseng, medicinal uses of plants...the list could go on and on.

Some cultural impacts associated with MTR:

- Destruction of communities;
- Displacement of families with ancestral ties to land and community;
- Loss of free access to cemeteries (all known family cemeteries should be identified and registered);
- Loss of the connection with ancestors and future generations;
- Loss of community history;
- Loss of gardens (some have been ruined by sludge spills, some people are forced to leave the land where they once gardened) and associated loss of income (have to purchase more food);
- Loss of hunting and fishing grounds, and associated loss of income (have to purchase more food);
- Loss of harvestable understory herbs (ginseng, black cohosh, ramps, etc.) and associated loss of income-supplements and medicinal remedies;
- Loss of independence (the loss of harvested forest products (the "second" paycheck) for the family to consume could increase the need to make more money);
- Loss of traditions that instill honor and pride and self-worth;
- Loss of biological diversity and uses of that biodiversity by locals;
- Loss of soil and seedbank essential to maintaining biodiversity used by locals;
- Loss of hiking trails, rock climbing areas;
- Loss of health related to lessened physical activity;
- Loss of streams for children to play in;
- Loss of sense of spiritual connection to the land, or sense of belonging;
- Loss of renewable timber harvest and orchards and associated loss of income;
- Loss of knowledge base of traditional skills developed over generations (herbal medicine knowledge and other learned skills);
- Heightened stresses upon individuals and communities;
- Loss of property value;
- Loss of peace of mind (worry and fear and anger over contamination of water, air; falling property values; flooding; coal trucks; future);
- Loss of sleep (worry, fear, anger);

10-2-2

- Loss of sense of awe that comes from gazing at night sky (MTR operations can be a source of light pollution);
- Loss of quiet, which is very important for some people in terms of both their health and spiritual wellness;
- Loss of beauty and landscape as source of inspiration for art, music, prose and poetry;
- Loss of faith in democratic process / political system;
- Rise in fear of intimidation (fear of organizing via door-to-door tactics; fear of expressing one's opinion openly);
- Infringement upon right of free speech (fear of expressing one's opinion openly due to intimidation);
- Rise in health impacts for individuals and entire communities, with the possibility that some are suffering from post-traumatic-stress syndrome (noise and worry of blasting, worry and fear and anger over contamination of water, air; falling property values; flooding; coal trucks; future);
- Dashed ideals (after endlessly dealing with non-caring regulators and bought-and-paid-for politicians, peoples' beliefs in the founding principles of the nation are eroded);
- Loss of ability to insure homes and other property for flooding or blasting damage as insurers opt out of providing that coverage.

Sludge impoundments / blackwater spills

Living near a coal waste impoundment not only depreciates the value of the property for the home owner, or puts the groundwater supply into question, or anxiety during heavy rain periods, thinking this may break, but it devaluates life itself --Walter Young (see above: "Comments from individuals.")

Fear, anxious, panicky, afraid – these are a few words I use to say how I feel about coal waste impoundments. When the TV or radio gives a flash flood warning you wonder if you are going to be alive the next minute or not. If it is going to be another Buffalo Creek or Martin County. You wonder what the coal companies are releasing from the coal impoundment in the water tables that you are drinking and why are they so secret about these coal impoundments. --Geneva Runyon (see above: "Comments from individuals.")

While not all coal sludge (or coal waste) impoundments are associated with MTR, the EIS should take note of which are and examine the social and cultural effects upon coalfield residents who live near these lakes of MTR coal waste.

As with the flooding issue, fear and worry are big factors affecting people and communities. Questions that people report asking themselves include: Should I keep my kids out of the streams (due to the frequency of blackwater spills and potential for the water/streambed to be contaminated with the chemicals that are in sludge impoundments)? Will the impoundment overflow if this rain keeps up? What chemicals are leaching out of the impoundment into the groundwater and so into my well water? Should I be buying our drinking water? Are there really tanker trucks secretly dumping who-knows-what into the impoundment up there (an oft-repeated coalfield rumor)? Where would we go if there was a failure like the one in Martin County, Ky.? Could we survive a failure like that?

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Situations like the ones detailed in the three news articles below are repeated frequently in MTR regions. People's concerns for their health and safety—their very lives—are justified, yet the DEIS does not report nor quantify the toll on people's health and well-being.

Coal wastes spill into waterways; Pipe ruptures at Kentucky plant; fish killed

By Roger Alford, Associated Press. April 11, 2002

PIKEVILLE - Nearly 135,000 gallons of coal wastes spilled into streams in eastern Kentucky on Wednesday after a pipe ruptured at a Pike County coal processing plant, officials said.

A plume of black water 7 to 8 miles long was responsible for a large fish kill on Long Fork and Big Creek, and forced cities along the Tug Fork of the Big Sandy River to close water intakes during the night.

"The intakes will stay off until environmental officials tell us it's OK to turn them back on," said Bill Davis, emergency service director for Mingo County.

"This is bad, but it's nothing compared to the severity of the previous one."

The previous spill, which occurred Oct. 11, 2000, involved more than 300 million gallons of coal sludge from an impoundment owned by Martin County Coal, a subsidiary of Massey Energy.

The sludge clogged streams and turned more than 60 miles of the Tug Fork black.

Joe Schmidt, spokesman for the Kentucky Department of Environmental Protection, said the latest spill was the result of a pipeline break about 11:30 p.m. Tuesday at Sidney Coal Co., also a subsidiary of Massey Energy.

The pipe carried liquid waste, primarily dust and particles washed from processed coal before shipping to power plants. The waste is a gritty, tar-like substance that also contains chemicals used in the cleaning process.

Katherine Kinney, a spokeswoman for Massey, said the company shut down the processing plant as soon as the rupture was discovered.

"We are still investigating, but we don't know why it broke," she said.

Charles Parsley, superintendent of the Kermit, W.Va., water plant, said an employee saw sludge in the river Wednesday afternoon, about 12 hours after the spill.

The brunt of the bank-to-bank plume arrived at Kermit at nightfall after a 20-mile trip from Long Fork. Other towns downstream were being notified of the spill, but it was not immediately clear whether they'd need to turn off water intakes.

Louisa and Fort Gay, W.Va., would be the next cities affected.

"We're taking precautions, but this is not considered a big coal slurry spill," Mr. Schmidt said.

Biologists and conservation officers with the Kentucky Department of Fish and Wildlife Resources were monitoring the spill.

"In the Tug Fork, it probably won't kill any fish," said Kevin Frey, a state fisheries biologist. "In Big Creek, we expect a high percentage fish kill."

Ms. Kinney said the spill doesn't pose a public health danger.

Coal slurry spills into two W.Va. streams

By the Associated Press, Oct. 9, 2002

LOGAN, W. Va. - A ruptured plastic waste pipe at a Massey Energy Co. subsidiary's preparation plant sent about 100,000 gallons of coal slurry into two Logan County streams Tuesday.

State regulators ordered Bandmill Coal Co. to shut down the preparation plant until the spill is cleaned up, said Jeff McCormick, assistant director of the Division of Mining and Reclamation.

"We're going to keep them shut down until they clean up the creek," he said.

Officials at four municipal water treatment plants downstream of the preparation plant kept a wary eye on the slow-moving 6-mile-long spill, which fouled Rum Creek and the Guyandotte River.

"If the system can't handle it, we'll have to shut it down," said Elbert Smith, a worker at Logan's water treatment plant.

Coal slurry is a mixture of water, fine coal particles and other waste from washing coal to prepare it for market.

Bandmill officials notified the Department of Environmental Protection of the spill at 8 a.m. Tuesday. Agency inspectors were at the scene Tuesday afternoon.

"Massey Energy regrets that the leak occurred. We have been working to ensure our operations operate in an environmentally sound manner," said Jeff Gillenwater, a spokesman for Massey.

"Initial reports are that the spill is larger than that from the company's Independence Coal operation of last summer," Mr. McCormick said.

In June 2001, a spill at Independence Coal's Liberty Preparation Plant near Uneeda sent more than 30,000 gallons of polluted water into Pond Creek. Independence also is a subsidiary of Massey.

57

Feds to inspect coal-waste site

By the Associated Press, June 09, 2002

LOUISVILLE - A federal agency has agreed to inspect a Harlan County coal-waste impoundment that officials fear is overfilled and say could create a more disastrous spill than one in Martin County two years ago.

There are homes in the path of a projected slurry flood in the case of the Harlan Cumberland Coal Co. impoundment, as well as U.S. 119 and the Cumberland River, regulators said in court papers.

"There could be loss of life; there will clearly be tremendous property damage. Domestic water supplies will be disrupted," Kentucky officials said in pleadings filed in Harlan Circuit Court last month.

In October 2000, a Martin County Coal Co. waste impoundment near Inez collapsed, spilling 300 million gallons of black sludge through underground mine works. No one was killed or injured, but the sludge spread to neighboring property and spilled into nearby waterways.

Even though the state has determined the impoundment violates its permit by being deeper than allowed, regulators have been barred by the court from taking action.

As a result, the federal Office of Surface Mining has agreed to inspect the impoundment and to take "appropriate enforcement action" if necessary, the agency's Lexington field office director, William Kovacic, said in a letter Friday to Kentucky officials.

Environmentalists said OSM should have acted sooner - as soon as the state was enjoined by the court on May 20 from blocking further pumping into the 64-acre impoundment.

"This really calls into question at this point the level of commitment OSM has under this administration to implementing the law," said Tom Fitzgerald, director of the Kentucky Resources Council, an environmental group that joined with Kentuckians for the Commonwealth in raising concerns about the safety of the impoundment.

Although the federal inspection is pending, OSM representatives already have visited the site with their counterparts from the state Department for Surface Mining Reclamation & Enforcement and the federal Mine Safety and Health Administration.

Mr. Kovacic wrote to Mr. Fitzgerald last week that information currently available to OSM "does not establish an imminent danger" from the pond.

In an interview, Mr. Kovacic said, "We are on a very prudent, legally defensible course of action." As long as the state does not object during a five-day appeal period expected to start next week, the inspection will occur soon afterward, he said.

58

The government reports that have come out since the Martin County disaster have not eased peoples' fears. Instead, they have confirmed peoples' suspicions: Another disaster could happen at any time.

Report: Impoundments could fail; Federal oversight called for

By Nancy Zuckerbrod, the Associated Press, Oct. 13, 2001

WASHINGTON - The same sort of thick black sludge that covered Inez, Ky., a year ago could wreak havoc on other communities if the government doesn't take steps to prevent coal waste storage systems from failing, according to a report released Friday.

The federal government must have more oversight authority of the roughly 600 coal waste impoundments in the country, according to the National Research Council report.

After coal is washed, a mixture of coal dust, clay and dirt often is pumped into an impoundment and allowed to settle. In Appalachia, coal companies typically use an area's natural topography to form the storage basin for the waste.

The report said the failure of the basin area is a leading cause of impoundment accidents, but federal oversight of basins "has been less than rigorous." The researchers said federal agencies need to be given "clear authority to review basin design."

In Inez last year, Martin County Coal Corp. collected dirt and particles washed from freshly mined coal in a mountaintop sludge pond, but the waste escaped through a crack in the bottom of that impoundment. The 250 million gallons of sludge then flowed into an underground mine and rushed off the mountainside, covering residential property and killing fish in creeks.

The report said the government should set standards for mine surveying and mapping to ensure other impoundments are not established next to old mines, which can lead to structural problems at impoundments.

The researchers said in many instances old maps are inaccurate or missing. For example, a fire destroyed at least 30,000 mine maps at a state government building in Kentucky in 1948.

But Tom FitzGerald, executive director of the Kentucky Resources Council, said it is not enough to recommend that the government create new mapping standards. He said the council also should have recommended that coal companies be required to drill into the ground in areas where they want to construct impoundments to make sure there are no mines there.

"In all cases, you must suspect there may be problems with the accuracy of a map unless you can validate it," Mr. FitzGerald said.

Bruce Watzman, vice president for safety and health at the National Mining Association, said companies frequently use radar and seismic monitoring to check for underground mines.

59

"It's not as if the industry is fixed in time and not using any of these technologies," he said.

The report also recommended that the government come up with a coordinated plan for assessing the risk of impoundment failures, and it said more research into alternative waste disposal technologies is needed.

Mr. FitzGerald said he was disappointed that the researchers did not spend more time considering alternatives. "They should have undertaken that assessment themselves rather than calling for more study," he said. Alternatives to impoundments exist but coal companies steer away from them because they are more costly, he said.

Mr. Watzman disagreed, adding that there are technological and geological reasons coal companies often turn to impoundments.

"You can't say that there should be no more impoundments because that it isn't always viable," Mr. Watzman said.

But doing away with impoundments would make many coal country residents feel safer, said Nina McCoy, a biology teacher who lives a few miles downstream from the Inez impoundment.

"I do think they are time bombs," Ms. McCoy said. The waste "doesn't need to be kept in a water dam that is above people's houses."

Ms. McCoy said she was disappointed the research council didn't look into water quality issues related to slurry spills. The report did recommend that researchers conduct an analysis of the chemical makeup of slurry, so authorities know what kind of contaminants may be in the water supply.

States with impoundments include Kentucky, West Virginia, Tennessee, Pennsylvania, Virginia, Ohio, Alabama and Mississippi, according to the Mine Safety and Health Administration.

The most notorious coal waste impoundment collapse occurred in Buffalo Creek, W.Va., in 1972. That accident killed 125 people and injured more than 1,000, the council's report said.

Reps. Hal Rogers, R-Ky., and Nick Rahall, D-W.Va., pushed for the National Research Council study. Both said they would follow up to ensure the report's recommendations are implemented.

Implementation of the NRC recommendations, enforcement of existing mining laws...these are things citizens still await. We repeat: While not all coal sludge (or coal waste) impoundments are associated with MTR, the EIS should take note of which are and examine the social and cultural effects upon coalfield residents who live near these lakes of sludge.

60

Stress / Fear / Health

Are people living near MTR operations in fact suffering post-traumatic-stress syndrome? At the very least, they are suffering from unrelenting stresses of all sorts that take a real toll on personal, familial and community health. Some of these stresses have been detailed above: the noise, dust and damage from blasting; fear of traveling roads dominated by a long parade of coal trucks; fears about health deterioration caused by dust, blasting noise, numerous stresses; worry and fear about the next disaster; fear about air and water and air pollution; aggravation and inconvenience of lost wells; the utter frustration and anger with most regulators and corrupt politicians...the list goes on. The EIS should examine the MTR-related toll on personal, familial and community health.

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Conclusion

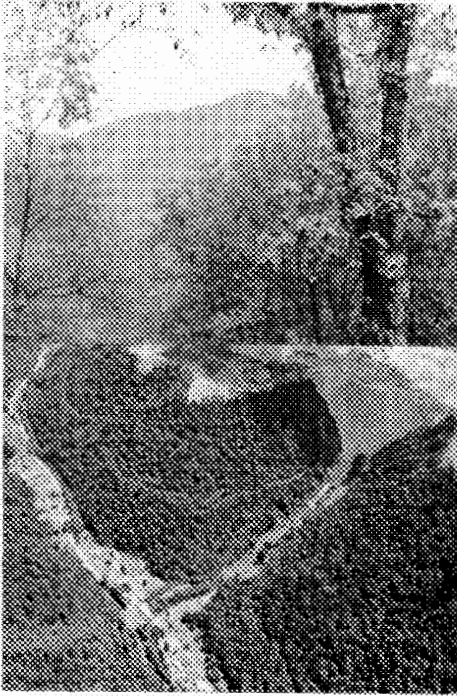
The preparers of the DEIS have not done their job. We repeat: The agencies in charge of creating a valid scientific EIS on MTR must make every effort to exhaustively study and quantify the social and cultural impacts of mountaintop removal. At the very minimum, the social and *current* cultural effects of MTR removal listed herein must be taken into account in the EIS. The EIS recommendations must accurately reflect these effects and must include recommendations for actions that will relieve and eliminate the negative social and cultural impacts of mountaintop removal / valley fill coal mining.

10-2-2

"Minimal" Impact?

Photos of mountaintop removal / valley fill coal mining in southern West Virginia, taken by Vivian Stockman (10 pages)

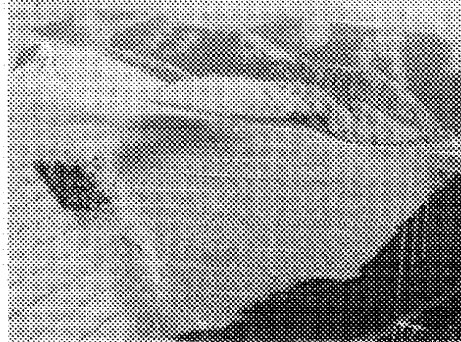
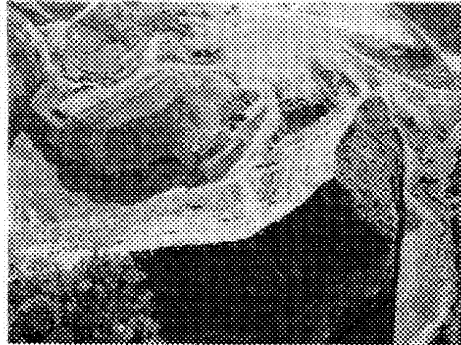




Twisted Run Golf Course on an MTR site in Mingo Co.—how many golf courses, (sinking) prisons and shopping malls (and for what population) can fit on all the MTR-devastated land already in southern West Virginia?

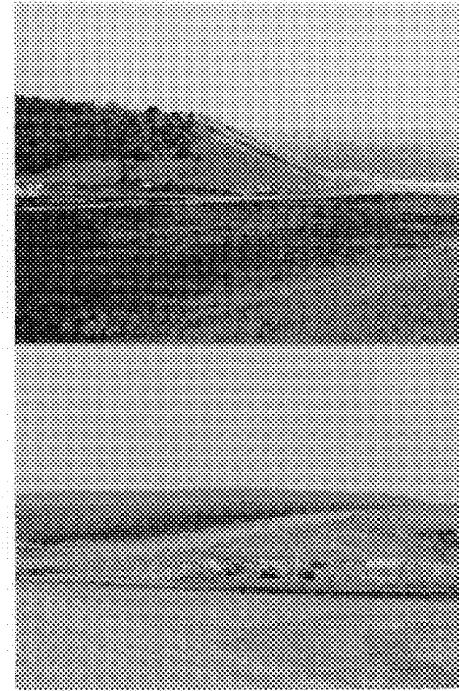








July 2001 flood damage below MTR sites near Dorothy, W. Va.





This is what coal companies call reclaimed? The most biologically diverse temperate hardwood forests on earth are destroyed. Take a good look at the "wetlands" coal companies claim to have created on MTR sites. Better yet, test water samples to find out what is in these waste pits.

WEST VIRGINIA LEGISLATIVE AUDITOR
PERFORMANCE EVALUATION AND RESEARCH DIVISION

Preliminary Performance Review

The Office of
Explosives and Blasting

The Office of Explosives and Blasting is Not Meeting
All Required Mandates



December 2002
PE02-36-268

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John Sylvia
Director

December 15, 2002

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable Vicki V. Douglas
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a *Preliminary Performance Review of the Office of Explosives and Blasting*, which will be presented to the Joint Committee on Government Operations on Sunday, December 15, 2002. The issue covered herein is "The Office of Explosives and Blasting is Not Meeting All required Mandates."

We transmitted a draft copy of the report to the Office of Explosives and Blasting on December 2, 2002. We held an Exit Conference with the OEB on December 4, 2002. We received the agency response on December 10, 2002.

Sincerely,

John Sylvia
John Sylvia

JS/wsc

Joint Committee on Government and Finance

The Office of Explosives and Blasting

Page 1

Contents

Executive Summary	5
Review Method, Scope and Methodology	7
Issue 1: The Office of Explosives and Blasting is Not Meeting All Required Mandates	9
List of Tables	
Table 1: Mandates and Performance Measures Achieved by the OEB	10
Table 2: Claims Alleging Blasting Damage	14
Table 3: Age of Open Claims	14
List Of Appendices	
Appendix A: Transmittal Letter to Agency	19
Appendix B: Agency Response	21

Executive Summary

Issue 1: The Office of Explosives and Blasting is Not Meeting All Required Mandates

The Office of Explosives and Blasting (OEB) was created by Senate Bill 681 during the 1999 session of the 73rd West Virginia Legislature. In the report, the Legislative Auditor reviewed seven mandates that are contained for the OEB in Chapter 22, Article 3a of the Code. Of the seven mandates reviewed, the Legislative Auditor concludes that the OEB has met and continues to meet three: 1) implementation of the pre-blast survey process, 2) education, training, examination and certification of blasters, and 3) proposed or legislative rules. However, there are four mandates which are not being met to the extent to which the OEB was created:

1. **Regulation of Blasting on Surface Mine Operations** - OEB is charged with regulating blasting on all surface mine operations. However, the majority of tasks regulating blasting operations are currently being performed by the Division of Mining and Reclamation, not the OEB.

2. **Setting of Qualifications for Individuals Performing Pre-Blast Surveys** - The OEB has set the qualifications for individuals conducting pre-blast surveys in its legislative rules. However, the primary requirement of these rules is that the individual performing pre-blast survey undergo training from the OEB. The OEB has not initiated any training for these individuals.

3. **Maintaining and Operating a System to Receive Complaints** - The OEB has been in the process of developing a system to receive complaints. However, staffing difficulties has delayed the completion of this system.

4. **Establishing a System for the Investigation of Claims** - There is currently a significant backlog in claims alleging damage, which need resolved.

Since the creation of the OEB, there has been large turnover in the office according to the OEB Chief. This turnover has delayed the OEB in meeting its mandates. The OEB has recently hired six additional employees to address the outstanding mandates. While the addition of six employees is a positive measure, the Legislative Auditor is not convinced that the addition of new staff will resolve the unfulfilled mandates. As a result, it is recommended that the OEB be reviewed again by the Legislative Auditor in one year.

Review Objective, Scope & Methodology

This preliminary performance review of the West Virginia Office of Explosives and Blasting is required and authorized by the West Virginia Sunset Law, Chapter 4, Article 16 of the West Virginia Code, as amended. The mission of the OEB is to enforce blasting laws and promote the protection of the property and citizens of the state of West Virginia without sacrificing economic development.

The **Objective** of this review was to determine if the extent to which the Office of Explosives and Blasting is meeting legislative mandates. The **Scope** of this evaluation covers the period from the creation of the office to present. The **Methodology** included but was not limited to interviews, conversations and correspondence with the Office of Explosives and Blasting and the Division of Mining and Reclamation. Data received from the Office included: 1) a list of all blasting related claims received by the Office of Explosives and Blasting; 2) the total number of blasters tested and certified, and 3) the total number of blast plans and pre-blast surveys. The review also included a sample of 6 claim records, and 113 pre-blast survey requests, annual reports from FY 1999 to FY 2001, and Legislative Rule, Title 199, Series 1. Every aspect of this review complied with Generally Accepted Government Auditing Standards (GAGAS).

Issue 1

The Office of Explosives and Blasting is Not Meeting All Required Mandates

The Office of Explosives and Blasting (OEB) was created by Senate Bill 681 during the 1999 session of the 73rd West Virginia Legislature. According to Code,

The Legislature declares that the establishment of an office within the division of environmental protection to enforce blasting laws pursuant to surface mining within the state of West Virginia is in the public interest and will promote the protection of the property and citizens of the state of West Virginia without sacrificing economic development.

Of the seven mandates reviewed, the Legislative Auditor concludes that the OEB has met and continues to meet three. However, there are four mandates which are not being met to the extent to which the OEB was created.

In this report, the Legislative Auditor reviewed seven mandates that are outlined for the OEB in Chapter 22, Article 3a of the Code. Of the seven mandates reviewed, the Legislative Auditor concludes that the OEB has met and continues to meet three, 1) implementation of the pre-blast survey process, 2) education, training, examination and certification of blasters, and 3) proposal of legislative rules. However, there are four mandates which are not being met to the extent to which the OEB was created.

1. **Regulation of Blasting on Surface Mine Operations** - OEB is charged with regulating blasting on all surface mine operations. However, the majority of tasks regulating blasting operations are currently being performed by the Division of Mining and Reclamation, not the OEB.
2. **Setting of Qualifications for Individuals Performing Pre-Blast Surveys** - The OEB has set the qualifications for individuals conducting pre-blast surveys in its legislative rules. However, the primary requirement of these rules is that the individual performing pre-blast surveys undergo training from the OEB. The OEB has not initiated any training for these individuals.
3. **Maintaining and Operating a System to Receive Complaints** - The OEB has been in the process of developing a system to receive complaints. However, staffing difficulties has delayed the completion of this system.
4. **Establishing a System for the Investigation of Claims** - There is currently a significant backlog in claims alleging damage, which need resolved.

Since the creation of the OEB, there has been large turnover in the office. According to the OEB chief, this turnover has delayed the OEB in meeting its mandates.

Since the creation of the OEB, there has been large turnover in the office. According to the OEB Chief, this turnover has delayed the OEB in meeting its mandates. The OEB has recently hired six additional employees to address the outstanding mandates. While the addition of six employees is a positive measure, the Legislative Auditor is not convinced that the addition of new staff will resolve the unfulfilled mandates. As a result, it is recommended that the OEB be reviewed again by the Legislative Auditor in one year.

OEB Generally Meeting Mandates

The following mandates of the OEB were reviewed by the Legislative Auditor in this report:

- i Regulating blasting on all surface mining operations;
- i Implementing and overseeing the pre-blast survey process;
- i Maintaining and operating a system to receive and address questions, concerns and complaints relating to mining operations;
- i Setting the qualifications for individuals and firms performing pre-blast surveys;
- i The education, training, examination and certification of blasters;
- i Proposing rules for legislative approval; and
- i Establishing a system for the filing, administration, and resolution of claims.

The OEB has met and continues to meet many of these mandates. Table 1 below shows the mandates which are currently being met by the OEB as well as performance measures.

Table 1 Mandates and Performance Measures Achieved by the OEB	
Mandates	Performance Measure
Implementation of Pre-Blast Survey Process	The OEB houses and maintains a database of over 17,000 pre-blast surveys. Nearly 9,000 of these were received and reviewed by the OEB; the remaining surveys were received by Mining and Reclamation prior to creation of the OEB.
Examination of Blasters	Since March 2001, the OEB has tested 150 individuals, of which 79 have passed. This is comparable to activity in other states with similar programs.*
Proposing Legislative Rules	The OEB has legislative rules on file with the Secretary of State's Office (rule 199CSR 1), which address all the items of §22-3A-4.
*Pass/fail ratio for applicants is comparable when factors such as number of tests per year and the number of individuals testing and retesting during a year are considered.	

However, there are four mandates which are currently not being met satisfactorily by the OEB. First, *Code* requires the OEB to regulate blasting on all surface mine operations. This function is currently being performed by Mining and Reclamation, not OEB. Second, the OEB has not yet set qualifications for individuals conducting pre-blast surveys. Third, the OEB's system for receiving and tracking complaints is not yet fully functional. Finally, the OEB has a large backlog of claims alleging blasting damage which need to be resolved.

The Regulation of Blasting on Surface Mine Operations Has Not Been Transferred to OEB from Mining and Reclamation

The Division of Mining and Reclamation, not the OEB, is currently regulating blasting activities on surface mine operations. According to Mining and Reclamation:

Today, 32 inspectors working for DMR, respond to blasting complaints and review all blasting related documentation for compliance with the regulations. If the citizen is claiming damage from blasting, the complaint is forwarded to OEB for further investigation. If the complainant is not claiming damage and the company is in compliance with the regulations, a complaint report is filled out and sent to the complainant by DMR inspectors. All other blasting activities in the field are enforced by DMR inspectors. OEB now reviews and approves pre-blast surveys and conducts testing for blasters certifications.

This contradicts the requirements of the *Code*, which states in part, *(The duties of the [OEB] shall include...regulating blasting on all surface mining operations.)*

The OEB is Not Currently Training Those Performing Pre-Blast Surveys

According to §22-3A-3(d) of the *Code*, the OEB is charged with, *(Setting the qualifications for individuals and firms performing pre-blast surveys.)* Furthermore, according to 199-CSR 1.3.9a.2,

The office shall develop a list of individuals who have exhibited ability by past experience to perform pre-blast surveys. Provided, however, attending a training course

administered by the office on pre-blast surveys shall meet the previous experience requirements.

The OEB indicated that it had not yet started training for individuals performing pre-blast surveys, nor do they maintain a list of qualified individuals.

However, when asked about the performance of this task, the OEB indicated that it had not yet started training for individuals performing pre-blast surveys, nor do they maintain a list of qualified individuals.

OEB's System for Receiving and Tracking Complaints Is Not Yet Fully Functional

The OEB is currently in the process of developing a complaint tracking system. According to the OEB,

The benefit to the citizen is (government in one room.) Any person within DEE could make a complaint or question and submit that inquiry, electronically, to the office responsible for that program. The citizen would no longer be transferred from one office to another and tell the same story over and over. The offices gain a complaint tracking system for determining the status of a complaint, and works on the front-end of the complaint process and automatically feeds information into the existing computer system that tracks conclusions of investigations.

However, this system is still being tested and is not ready for statewide implementation.

OEB has a Backlog of Claims Waiting for Resolution

The OEB is currently reviewing those claims that involve property damage; all other claims are investigated by Mining and Reclamation. With regards to the claims that involve property damage, the OEB describes the process for claim resolution as follows:

1. If an owner suspects damage has occurred, the office conducts a thorough investigation to determine the merit of the damage claim.
2. The owner then is given the option to file a claim with the coal company's insurance, file a claim with the homeowner's insurance carrier, withdraw the claim, or participate in the OEB claims and arbitration process.

3. If the owner wishes to file a claim through the OEB, the owner is offered a chance to meet with the coal company to attempt to resolve the issue.
4. If the meeting proves unsuccessful, the owner may request to proceed with a claim. If the owner proceeds with the claim, it is referred to the claims administrator.
5. After receiving OEB's determination of merit, the claims administrator assigns an adjuster to the claim. The adjuster investigates the claim and relays the finding to the claims administration for a final determination, if the damage is blasting-related.
6. The OEB, in conjunction with the American Arbitration Association, will maintain a list of arbitrators, compiled with the assistance of the environmental advocate and coal industry representatives. The parties will choose an arbitrator and a final determination of the claim will be made.

The OEB uses a spreadsheet to track claims. This spreadsheet is currently incomplete, therefore, the Legislative Auditor's Office is unable to determine exactly how long it takes to resolve a claim or to make any estimates regarding how long it will take to resolve all open claims. In addition, a sample of six cases from the spreadsheet revealed several dates that were inaccurate. Moreover, the spreadsheet has inspectors assigned to open claims that are no longer with the OEB. This leads the Legislative Auditor to conclude that the spreadsheet is not completely reliable.

Although portions of the OEB's spreadsheet are deficient, it is the only summarized detail of claims that is currently available to the Legislative Auditor. The spreadsheet, while incomplete, does adequately represent the current status, whether open or closed, of all claims. As of November 2002, the OEB spreadsheet showed 202 claims alleging blasting damage. According to OEB records, 39 (19%) of the 202 claims have not been assigned to an inspector yet. Of the 202 claims, 54 (27%) have been withdrawn, settled, or terminated, without the necessity of the claims administrator. Of the 148 open claims, only 5 have been sent to the claims administrator for a resolution. With respect to these 5 claims, the OEB has stated the following:

Of the 148 open claims, only 5 have been sent to the claims administrator for a resolution.

The claims administrator has verbally responded that five claims have been completed. OEB has reviewed, for form and completeness, a draft version of one of the reports and commented to the administrator. Final reports on the five completed investigations are expected soon.

Table 2 shows the disposition of claims, while table 3 shows the age of open claims.

Table 2 Claims Alleging Blasting Damage		
Disposition	Number of Claims	Percentage of Total
Open Claims	148	73%
Closed Claims:		
Withdrawn	43	21%
Settled	2	1%
Terminated*	9	4%
Total Claims	202	100%**
* Claims may be terminated based on lack of jurisdiction, failure by the claimant to respond to contact attempts or failure by the claimant to sign necessary forms for continuing the process.		
** Percentages may not add up to 100% due to rounding.		

Table 3 Age of Open Claims*	
Less than 1 year old	77 claims (52%)
From 1 to 2 years old	58 claims (39%)
Older than 2 years**	8 claims (5%)
*Based on date received by OEB	
**Five open claims contained no date indicating the date the claim was received	

As can be seen in Tables 2 and 3, there is currently a large backlog of open claims. Many of these open claims date beyond one year.

OEB Sites Staffing Irregularities as Reason for Delays in Meeting Mandates

According to the Chief of the OEB, turnover within the OEB and the delegation of other duties to remaining staff has delayed the OEB in meeting

mandates.

During calendar year 2000, my staff consisted of four individuals that were temporarily assigned from the Office of Mining and Reclamation (OMR) to assist in the formation of the Office of Explosives and Blasting (OEB).

Of those four individuals, none are currently with the OEB. One individual passed away in February 2001. One individual left the OEB in August 2001, one resigned after much illness in December 2001, and the fourth (an administrative assistant) passed away in October 2002.

Even though the OEB has funding for 15 employees, the average number of employees within the office since its creation has been seven.

Furthermore, the OEB hired five inspector specialists in January 2001. The OEB states that funding concerns prevented the hiring of the specialists before January 2001. Of the five specialists hired in January 2001, four are no longer with the OEB. Even though the OEB has funding for 15 employees, the average number of employees within the office since its creation has been seven.

Effects of Unmet Mandates

As noted earlier, Mining and Reclamation is currently performing all regulatory tasks for blasting on surface mining activities. Because the majority of tasks currently performed by the OEB were previously conducted by Mining and Reclamation (blast plan review, pre-blast survey, investigation of claims, etc.), it must be concluded that the intent of creating the OEB was to change the desired outcome of the process. To continue to perform these tasks through Mining and Reclamation violates the very intent of the law and the Legislature.

In addition to the duties that are currently being performed by Mining and Reclamation, the OEB has not met its requirement to train individuals conducting pre-blast surveys. Because the OEB has not initiated the training of these individuals, it could put both the public as well as coal companies at risk. Although the contents of a pre-blast survey are contained in the *Check*, the quality of the pre-blast surveys could suffer if an unqualified individual completed them. For example, a coal company could eventually be liable for a fraudulent claim if the conditions of the structure were not properly documented. Likewise, in a converse situation, if the structure were not properly documented, an individual may have delays or difficulty receiving compensation for damage inflicted by blasting.

With regard to backlogged claims, many individuals are currently waiting for the OEB to address outstanding claims. As was previously stated, less than one-third of all claims have been resolved. Some of these claims have been open since the creation of the OEB in 1999. Citizens with open claims

could be living in hazardous conditions due to damage sustained in a blasting incident. In addition, the property values of individuals waiting for the resolution of claims could be effected until the damage of the property is corrected.

OEB Hires New Employees to Accomplish Mandates

The OEB has recently hired additional employees to address outstanding mandates. According to the OEB,

In January 2002, [Employee A], a mining engineer with blasting experience, was hired to assume direct responsibility for the blaster certification program and the pre-blast survey review program. [This individual] was also directed to evaluate the pre-blast survey program and develop surveyor training based on the results of that evaluation. The evaluation that [this individual] was charged with has been completed and a new pre-blast survey policy and procedure will be implemented this month (December 2002) with a new form to bring consistency to the program. A training program will begin in February 2002 and will be consistent with the new policy and procedure.

To address the claims which have been backlogged, the OEB recently hired six additional inspector specialists.

To address the claims which have been backlogged, the OEB recently hired six additional inspector specialists. However, the Legislative Auditor's Office is not convinced that the OEB will be able to retain these employees. In January 2001, the OEB hired five inspector specialists. Of these, two took demotions to return to their positions within Mining and Reclamation, and two took promotions to return to Mining and Reclamation. Also, despite the fact that the OEB has been investigating claims since August 2001, the OEB has never determined exactly how long it takes to investigate a claim. According to the Chief of the OEB,

I have not had the opportunity to calculate the exact number of days needed to complete an inspection. Until recently, field specialists have been assigned other duties of the office and may inaccurately indicate the true time frame for investigation. Each investigation is different, in that more information may be needed for one investigation than the other may, but as the specialists become more experienced, the investigation time should only improve. Also, many of the backlogged claims investigations have been started, but not completed because that person is no longer with OEB.

Without a knowledge of the amount of time necessary to complete a claim investigation, the Legislative Auditor is unable to determine with accuracy to tell whether or not a total of nine (9) inspector specialists will be able to completely review all backlogged claims as well as all incoming claims.

Conclusion

With regard to satisfying established mandates, the OEB has not accomplished four significant areas:

1. Enforcement of blasting procedures on surface mine activities;
2. Training for individuals conducting pre-blast surveys;
3. Maintaining and operating a system to receive complaints;
4. Timely investigation of claims.

Without the fulfillment of these mandates by the OEB, the public is not only at risk, but potentially in many cases, has claims which are not being resolved. Although a lack of staff and staffing irregularities can account for many problems, the Legislative Auditor's Office is not convinced that the addition of staff will resolve the unfulfilled mandates.

Recommendations:

1. *The Legislative Auditor's Office recommends that the OEB be continued and reviewed again by the Legislative Auditor in one year.*
2. *The Legislative Auditor's Office recommends that the OEB standardize the process for tracking claims. This process should require that information on claims be entered into a database in a timely manner.*

Appendix A: Transmittal Letter to Agency

WEST VIRGINIA LEGISLATURE Performance Evaluation and Research Division

Building 1, Room W-314
1990 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

December 2, 2002

Mike Mace, Chief
Office of Explosives and Blasting
West Virginia Division of Environmental Protection
10 McJunkin Road
Nitro, WV 25143-2506

Dear Mr. Mace:

This is to transmit a draft copy of the Full Performance Evaluation of the Office of Explosives and Blasting. This report is scheduled to be presented at the Sunday, December 15, 2002 interim meeting of the Joint Committee on Government Operations. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have. If you would like to schedule an exit conference to discuss any concerns you may have with the report between December 3, 2002, and December 6, 2002, please notify us. We need your written response by noon on December 10, 2002 in order for it to be included in the final report.

We request that your personnel treat the draft report as confidential and that it not be disclosed to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

Joint Committee on Government and Finance

The Office of Explosives and Blasting

Page 19

Page 18

December 2002

Appendix B: Agency Response



Office of Explosives and Blasting
615 McClellan Road
Martinsburg, West Virginia 26145
Telephone Number (304) 799-6066
Fax Number (304) 799-6067

West Virginia Department of Environmental Protection

615 McClellan Road
Martinsburg, WV 26145

West Virginia Department of Environmental Protection
Carbon Building

December 10, 2002

John Sylvia, Director
West Virginia Legislature
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25328-0610

Dear Mr. Sylvia:

Thank you for the opportunity to respond to the preliminary performance review conducted on the Office of Explosives and Blasting. Our response is enclosed.

Many of our mandates are being accomplished and this office continues to work diligently to address all the directives set forth by the legislature.

I look forward to being present during your presentation to answer any questions that members of the committee may have.

Sincerely,

Mike Mason
Mike Mason
Chief



West Virginia Department of Environmental Protection

"Protecting a healthy environment."

**West Virginia Department of Environmental Protection
Division of Mining and Reclamation
Office of Explosives and Blasting**

Legislative Audit Response

The Office of Explosives and Blasting (OEB) welcomes the opportunity to respond to the draft copy of the performance evaluation completed by the Performance Evaluation and Research Division of the West Virginia Legislative provided to us on 12/5/02. The OEB response will identify all the mandates and the actions taken to fulfill those requirements. The OEB will explain the data management system used by the office. The OEB will explain the personnel issues associated with the office and the accomplishments of the office despite the adversity. The OEB will also outline the steps necessary for completing the mandates of the legislature and a schedule for full operation of the office.

We have chosen a format that responds individually to the legislative mandates in West Virginia Code §22-3A and 199CSR1.

Regulate blasting on all surface mine operations.

The OEB agrees with the legislative auditors in that we are not fully regulating blasting activities on all surface mine operations. However, the following circumstances are noteworthy:

- The mining and reclamation program still has a statutory requirement to inspect blasting procedures and respond to all mining complaints.
- An OEB presence on surface mine operations has been established, admittedly, it has been in connection with damage claims investigations, assistance requests from mining inspectors, investigation in connection with federal (Ten Day Notices) and a few independent inspections based on information collected by the OEB on possible blasting irregularities.
- The OEB is developing a much needed expertise of blasting knowledge that did not exist prior to this office.
- In time, the OEB will expand its responsibilities to fully address all blasting activities on surface mines by continuing to develop trained blasting specialists.

The office will continue to address blasting activities, with progressively more routine inspections. By January 2004, our projections (identified later in this document) will allow the office to conduct routine investigations, as well as claims investigation, on a regular basis.

Implement and oversee the pre-blast survey process, as set forth in section thirteen-a, article three of this chapter.

A new emphasis was placed on pre-blast surveys with passage of Senate Bill 881. Surveys were deemed a crucial part of the newly created damage claims process and homeowners were encouraged to have surveys completed.

During the early developmental stages of the office, a number of items became apparent concerning the pre-blast survey process:

- Mining was moving closer to residents and more surveys were already being processed;
- Residents now had to decline a survey instead of not responding to a request;
- The survey radius was expanded, resulting in an increase in the number of surveys;
- A single reviewer in the central office reviewed all surveys and coordinated notification requirements with mining and reclamation inspectors;
- The reviewer was also responsible for training and testing blasters;
- The workload influenced the quality of the reviews;
- There was no standardized survey format making the review and quality assessment difficult. No pre-blast survey was particularly better than another but all were formatted differently;
- Review of the notification list was conducted by the mining and reclamation inspector;
- OEB only had 15 days to review surveys before blasting could begin.

With these factors in mind, the OEB began taking steps to comply with the requirements of the rule, and began a full assessment of the entire survey process to determine necessary changes needed to adequately protect the public. In the interim, changes would be implemented as situations arose and written policy would be developed based on the circumstances that necessitated change and/or any legal interpretations, when necessary. Although the basic requirements for the contents of the surveys were set by rule, responses varied by individual interpretation.

With the assistance of the Office of Legal Services (OLS), the OEB created the forms and procedures for waivers (for structure owners that did not want a survey) and affidavits (for the few cases where the owners refused all contact with the surveyors). The waiver and affidavit forms are presently being used by the industry.

On a regular basis, we continue to address new questions or circumstances concerning surveys, but a written pre-blast survey policy is now available. The supporting forms standardize pre-blast information for the first time.

The OEB collected all the existing surveys from the mining and reclamation regional offices, inventoried, cataloged, and stored them at one location. As we collected these surveys and processed new ones, an electronic spreadsheet was created to track all surveys accepted. For the first time, a simple search could determine if a pre-blast survey was available.

Presently, over 17,000 pre-blast surveys (dating back to 1987), waivers and affidavits are stored in one location. OEB has reviewed over 50% of the documents (9,242). All surveys, waivers and affidavits are maintained confidentially.

As described in the rule, OEB is now responsible for delivery of surveys to the homeowners. Prior to passage of the rule, the coal company delivered. The OEB makes every attempt to review and deliver the surveys to the owners before blasting begins.

The federal Office of Surface Mining (OSM) recently completed a five-month oversight review of the pre-blast survey review process and the associated tracking system. OSM concluded the process to comply with the federal mandates for pre-blast survey reviews.

The OEB is developing additional improvements to the process. The improvements can be implemented within the next year, depending on the availability of staff from the Information Technology Office (ITC) and include the following:

- Develop an electronic system that allows for automatic entry of survey support information data from CD/Disk provided by permittee or designee;
- Develop an electronic review, with a checklist of required information, that will automatically maintain a history of survey deficiencies and creates correction letter to permittee. This system will create an automated acceptance letter to permittee and an automated cover letter to citizen.

Maintain and operate a system to receive and address questions, concerns, and complaints relating to mining operations.

With the assistance of Information Technology Office, the OEB has created an electronic-based system called iCitizens Services for receiving, responding and tracking blasting question concerns and complaints. The system was initially developed for use by OEB. As more of the DEP offices became aware of the system, it became apparent that this system could be utilized for the benefit of all the DEP. Development was slowed for this reason, but the OEB has been using the system since July of 2002 and the Logan Regional Office of DMR was included in October. Thus far, the system is working as designed. The system is increasing the efficiency in responding to the public's concerns. In addition, DMR is saving time and effort in routing blasting complaints to the OEB and routing other complaints within the mining office. The other DMR offices will be added in the near future.

The OEB has published an informational handout entitled iCitizens Guide to Blasting that explains, in general terms, why mines blast, what to expect, the kinds of damage that could occur, the importance of a pre-blast survey, measuring blast vibration, the claims and arbitration process, and what to do if the citizen has a complaint.

The OEB has collected, and continues to collect, publications relating to blasting and make them available to the public through a lending library. The purpose is to provide as much information on blasting as possible to the public. The publications are made available to the public, at no charge, much in the same manner as a public library.

Many of the publications and OEB forms are also available on our website.

Set the qualification for individuals and firms performing pre-blast surveys.

During our initial examination of the pre-blast survey process, the OEB noted several items concerning pre-blast surveys and the people and companies conducting them:

- Most surveys generally complied with the requirements of the code;
- No one survey was significantly better than another, but all could be improved;
- The previous review process did not meet the elevated standards reflected in the OEB blasting rule;
- Most coal companies contract the preparation of pre-blast surveys to consulting firms with expertise in performing surveys;
- The OEB has little contact with coal companies during the review process;
- Most companies have already selected a consultant to perform surveys and the OEB seldom received a request for the name of companies performing surveys;
- Consulting engineering and pre-blast surveying companies provide internal training to the individuals performing the surveys;
- The bulk of the OEB pre-blast surveyor training program needed to focus on the issues addressed by the pre-blast survey policy and standardized OEB forms;

- Standardized review of the pre-blast surveys produced a similar effect as training while the policy and forms were being developed. The industry and consultants were receptive to this approach and provided comments during the process.

The decision to prioritize improvement of surveys rather than the training of surveyors was based on the facts listed above and our belief that the creation of a pre-blast survey policy and standardized form was necessary before training could begin. It did not appear that the citizens were placed at any greater risk since:

- The OEB was continually improving the quality of the surveys through our review process;
- Most consulting companies had experienced employees performing the surveys;
- New surveyors were trained by the consulting firms before those persons could conduct surveys;
- The insurance companies that provided blasting coverage to the coal companies supplied written acknowledgement of the consulting firm or individuals completing the surveys;
- The OEB is enforcing the mandates requiring that every citizen be provided a survey.

In order to identify any potentially hazardous conditions, OEB responds to alleged damage claims within 24 hours. OEB assesses the damage claim and prioritizes if the claimant identifies any hazardous conditions. During the course of investigating blasting damage claims by the OEB, we have not observed any cases of hazardous living conditions that were a result of blasting damage.

As stated before, the OEB has completed an extensive review of the pre-blast survey process and published a detailed pre-blast survey policy. In addition, a standardized form, with kernized instructions, was developed and is ready for implementation following surveyor training. Pre-blast surveyor training is scheduled for the week of February 24, 2003.

Educate, train, examine and certify blasters working on surface mining operations.

The initial assessment of the blaster certification program caused some concerns. There was no set schedule for training or testing. Training and examination was conducted on an as requested basis and occasionally conducted in a storage trailer on a mine site. Many times, insufficient space was available to properly examine the applicants. The OEB felt that any improvement made in this program would provide immediate results and we took action to increase the quality of training and testing.

- The application process was improved to provide verification of the blaster's experience and to insure that the information was correct to avoid the potential for fraudulent information or errors on applications;
- Centralized the training location and scheduled the training dates for the calendar year for applicants wanting formalized training rather than self-study;
- Centralized the testing location, and scheduled the testing dates for the calendar year;
- Provided advanced notice to re-certification candidates;
- Added a mandatory 2 hour training session prior to administering the test that explains the blasting rules and certified blaster's responsibilities;
- Placed more emphasis on proper blaster training and proctoring the examinations to insure that blasters actually demonstrated the required level of knowledge of a certified blaster.

Presently, there are nearly 600 certified blasters in West Virginia. This year the OEB has trained and certified 54 new blasters. The OEB currently projects that 200 blasters will re-certify annually. Re-testing is required every six years.

Other initiatives are in progress and are presently benefiting the program or have the potential for benefit in the future.

- OEB can provide a 12-hour refresher training course. We are auditing other continuing education programs for content and approve those training programs if they meet the criteria required by the rule;

- OEB now conducts a monthly 8-hour training course for applicants for certification.
- OEB initiated a workgroup comprised of state regulators from the surrounding mining states and federal counterparts in order to compare blaster training and testing procedures and to seek common ground for granting reciprocity certification. A procedure was developed to verify if a blaster is in good standing before granting reciprocity. This process is now being utilized with Kentucky and Virginia, a direct outcome of working with this group. Standardized blaster training and testing criteria is being reviewed for development by this group.

Propose rules for legislative approval.

It is OEB's understanding that the first set of rules were created by a stakeholder group with limited input from the regulatory representatives and with no representatives from the OEB. Title 196CSR1, which contained the funding mechanism for the office, became effective April 18, 2000, but lacked provisions for adequate inspection and violation procedures, enforcement and procedural powers, civil penalty assessment procedures, blaster disciplinary procedures, and due process procedures. Revisions were made to 196CSR1, adding these provisions, which became effective May 19, 2001. Changes were also made in 622-3 to comply with the federal Office of Surface Mining's rejection of some of the language contained in Senate Bill 601. Those changes included deleting provisions that exempted the surface effects of underground mines from the blasting requirements of the statute, requiring that every owner who has a pre-blast survey be provided with a copy of the report and deleting a provision that improperly allows an owner to waive a requirement that coal companies submit information to the DEP.

The OEB implemented procedures for the review, modification and approval of blasting plans. Blasting plans are a part of every permit package proposing to conduct blasting on a mine site. Blasting may not necessarily be conducted for the purpose of recovering coal. Many operations require blasting to face-up deep mines or construct roads. In the past, many permit reviewers lacked the expertise to adequately review blasting plans. The OEB recognized that a review by a blasting specialist would immediately benefit the public. We identified this as a high priority that could be accomplished with existing the limited staff.

- A thorough review of blast plans and subsequent corrections ensured compliance with the blasting rule;
- The OEB reviews and approves all blasting plans as part of the permit review process;
- A total 199 blast plans have been reviewed by OEB since July 2001, 132 plans have been approved and the others are pending corrections.
- OEB is presently current with all permit review actions in all four DMR regional offices.

The OEB also developed and established disciplinary procedures for all certified blasters responsible for blasting on surface mine operations. These procedures identified specific circumstances where a blaster would be cited for violations. The penalties associated with blaster violations may include temporary suspension or revocation of the blaster's certification.

Establish and manage a process for the filing, administering, and resolving blasting damage claims.

Admittedly, OEB has struggled with the claims process. The process requires specially trained individuals capable of determining the merit of blasting damage claim. The primary mechanism to adequately serve the citizens in regards to blasting complaints and blasting damage claims is to have staff of investigators with the necessary expedience, knowledge, and skills to effectively investigate blasting claims. This source of specialized personnel did not exist in the DEP agency. Therefore, a training program was implemented to address the skills needed to investigate blasting claims. The skills required involve general blasting knowledge, blast design techniques, blast dynamics, blast vibration analysis, structural response, seismic monitoring methods and analysis, structural response to vibration and frequency, construction practices.

Page 26

December 2002

Several factors contributed to the present backlog.

- The current claims process is a first of its kind approach to provide a low cost option to blasting damage litigation. Development often required seeking legal advice from OLS and delayed the process;
- A backlog of 150 blasting damage claims existed when the OEB blasting specialists began initial investigations;
- ITO is developing an electronic notification, authorization, tracking, and invoicing system, but major delays have prevented implementation. The OEB is proceeding without the process being in place;
- The OEB lacked the required number of blasting specialists and the loss of key individuals who had technical blasting advice during the development of the office;
- OEB is currently taking action to investigate the claims, but until the new staff is sufficiently trained, the backlog will remain;
- Based on our calculations the backlog will be eliminated in approximately one year;
- All activities, with regard to blasting claims, are tracked by use of a computerized spreadsheet. This spreadsheet is intended to provide a general overview of the claim;
- All claims have a paper file that is opened when the initial blasting claim is made. The details and specifics of each claim are documented in this file.

The tracking system was developed by OEB to track milestones, provide a digital record of claims events and to provide general details of pertinent aspects of each claim. This system was not intended to be an expansive database. For the intended purposes, this system serves the office needs. However, OEB appreciates the recommendation of the auditor and plans to review the existing data system for areas of improvement.

Office to conduct study.

The office shall conduct or participate in studies or research to develop scientifically based data and recommendations. The office recognizes the reasoning for mandating this requirement. Unfortunately, staffing levels have never been adequate to devote time and effort to implement a research project. Additionally, the expertise needed to fully conduct a research project and sufficiently analyze the results is beyond the capabilities of the current OEB staff. However, once the staff is trained and the backlog of existing claims is eliminated, the resources should be available to conduct research projects. All seismic information we are currently collecting is being stored for reference and future use.

The surrounding states blasting workgroup that OEB has developed provides the opportunity to evaluate research projects in conjunction with these experts.

This is an important issue and although there is no research to report, the intent is not taken lightly by the office.

The Office of Explosives and Blasting

Page 27

OEB plan to eliminate backlog of claims.

An analysis was made to evaluate the two aspects of the claims process, the investigation of incoming claims and the elimination of the backlog of current claims. A review has been made of the claims database to estimate the levels of completeness of the current claims backlog and to predict the requirements necessary to process this backlog. Historical data was reviewed to forecast the manpower to stay current with incoming claims and to assist in the other mandates of the office where blasting specialist are skills utilized.

- The OEB currently has received 211 blasting damage claims;
- There have been 58 claims that have been investigated and closed by OEB, 22 claims investigations are complete, 32 are assigned, and at various levels of investigations, and 39 claims are unassigned and awaiting investigations;
- A total of 5,465 man hours have been spent by specialists investigating claims since July 2001;
- Using time and activity reports, The OEB estimates 56.0 man hours to fully investigate and complete one blasting damage claim;
- The OEB estimates it will take 3.34 trained blasting specialists to investigate and finalize the current backlog in one year;
- Based on current data OEB predicts that there will be approximately 100 claims submitted annually;
- In order to investigate these damage claims it will require 5.11 blasting specialist to stay current;
- In summary, to stay current with the blasting damage claims and to eliminate the current backlog the OEB will require 8.45 trained blasting specialists.

OEB will implement a training program involving a mentoring aspect. The experienced blasting specialists and the technical staff will train the new specialists. This will involve the rotation of the new specialist between training and claims investigation for increased efficiencies in the overall processing of claims. We feel that the efficiencies we can realize from the mentoring approach with the new hires will result in faster processing of the claims than we have historically encountered, without losing investigation resources, while the new inspectors are being trained.

By following this plan to eliminate the backlog, we should be in a position in one year to shift our blasting specialist resources to absorb the blasting duties that the mining and reclamation inspectors are currently providing.

Staffing Issues.

As noted by the auditors, staffing problems plagued OEB since its creation. The loss of employees dramatically affected the office and constantly forced changes in our priorities. Losing key personnel, especially the training staff, at the critical stages of development tripped, not only the training program, but also shifted workloads and influenced employee morale.

During the early stages of development, four persons temporarily transferred to the OEB from the Office of Mining and Reclamation (OMR). The assistant chief/ trainer, a blasting expert, also had years of environmental regulatory experience. The supervisor/ assistant trainer also had a great deal of experience in blasting and regulatory compliance. A third individual managed the pre-blast survey and blaster certification programs. The administrative assistant provided clerical support. She also had years of experience in the day-to-day operations of the mining program.

During the creation of the blasting legislation, the mining program calculated a staff of 18 as an adequate number to operate this office. A fee of 0.01 cent (\$0.005) per pound of explosives was recommended to fund the office. Prior to approval of the rules, a reduced fee of 0.005 cent (\$0.0025) per pound decreased the staff to 15 persons. Fee collection began in August 2000, but budget issues within the mining office prevented hiring field employees until January 2001.

The first blasting specialist transferred from the mining program. All had regulatory experience, including blasting compliance knowledge, but required extensive training to fully comply with new job requirements. However, during their initial training, the assistant trainer passed away. The assistant chief/ trainer was incapacitated due to an illness to a degree that progressive absences finally resulted in a six-month absence from work. The illness finally caused the employee to leave the office without returning to work. Due to limitations of the salary and DOP hiring practices, replacement for these individuals was hampered. The delays incurred in staffing these positions resulted in loss of technical guidance for the office.

The trainers also shared management and development responsibilities. Their loss left only a partially trained field staff to assume these duties. In addition, the pre-blast survey reviewer and blaster certification manager accepted a supervisory position with another state office and the field staff assumed those responsibilities.

Of the five original inspectors promoted to blasting specialists, one accepted an assistant supervisory position with the mining program, and another returned to mining with a promotion. Two of the original field specialist returned to the mining program without a loss in salary. One of the two recently reappointed to the OEB, but withdrew upon receiving a pay increase.

The recent unexpected passing of the administrative secretary created a void that is not easily filled. Debbie Jeffrey's knowledge, energy, and attitude created an atmosphere of learning, cooperation, and dedication. Interviews are scheduled for early January 2003.

Photos of Surface Mining Blasting Effects

Despite of the staffing issues that challenged OEB, positive steps taken during the past year and pending hiring actions, will correct the deficiency of the past. Barring unforeseen events, OEB will attain full staff, for the first time, in February 2003.

- The OEB hired 3 additional blasting specialists in October 2001. Presently, two of them investigate blasting damage claims, exclusively. The other specialist reviews blasting plans in the four DMR regional offices;
- The OEB hired a blasting expert as an assistant manager and trainer in January 2002. This employee overhauled the pre-blast survey process, established credibility in the blaster certification program, and resumed blasting specialist training. This person will also administer surveyor training in February 2003;
- The OEB hired an experienced DMR employee to review pre-blast surveys and assist with surveyor training in August. Survey reviews are current and no backlog or delays are expected;
- A group of 6 new blasting specialists trainees report for work on January 2, 2003. A training program is formulated to accelerate claims investigations. Calculations by OEB's staff projects the elimination of the damage claims backlog by January 2004.

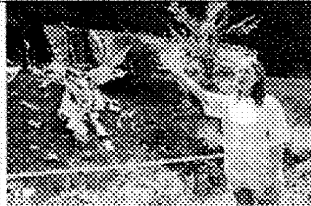
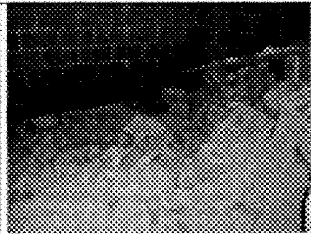
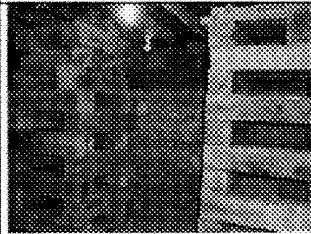
OEB's effectiveness is directly dependent on managing the conflict between satisfying program requirements and providing adequately training that develops permanent blasting experts within DEP.

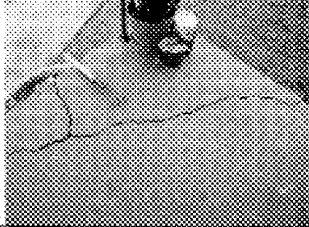
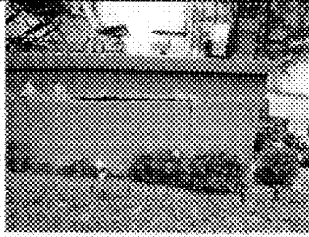
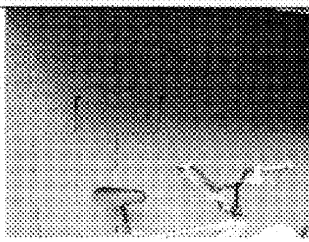
Conclusion

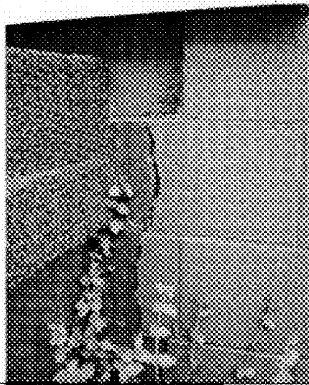
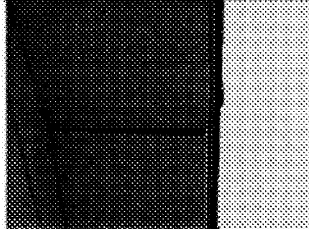

The OEB acknowledges that we are not yet fulfilling all mandates as provided in the Code. In regard to the specific concerns of the Legislative Auditor, OEB has outlined an improvement plan that will allow OEB to complete all enforcement actions by January 2004.

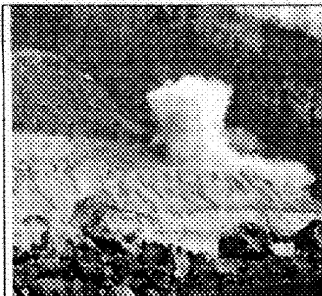
- Training for pre-blast surveyors is scheduled for February 2003;
- Based on our projections the backlog of claims will be eliminated by January 2004;
- The office has been operating a system of receiving complaints since July 2002. The DMR regional mining office will soon be joining the process. The long-term plan would include all the DEP offices.

We believe that our goals are attainable and welcome a review of this office next year.

	<p>Photo Caption: Emily Justice, who lives next door to Jerry Pinson, talked about her fears after a boulder crashed through Pinson's home. State regulators said they plan to take additional measures to fix the problem of "fly rock."</p> <p>From the Louisville <i>Courier Journal</i>, "Boulder from strip mine rips through Pike home; Dangling rocks threaten other residents in hollow," by Alan Maimon, Thursday, August 15, 2002.</p>
	<p>Debris from a Boone County, W. Va., home's foundation, part of which was reduced to rubble by MTR-related blasting.</p>
	<p>Supports installed by the family to try to keep their home (same home as above) from collapsing after MTR-related blasting destroyed part of the home's foundation. A WVDEP blasting inspector insists that the destruction was not caused by blasting. The family knows better.</p>

	MTR-related blasting has cracked the porch of this family's Boone County home.
	The same porch as above, side-view.
	A crack in a Boon County home's foundation produced by MTR-related blasting.

	A crack in a Boon County home's foundation produced by MTR-related blasting.
	A crack in a Boon County home's roofing produced by MTR-related blasting.
	A crack in a Boon County home's ceiling produced by MTR-related blasting.



This photograph, submitted by Robin Bentley of Logan, reportedly was snapped by an independent trucker has drawn considerable interest from those who have viewed it personally. The person who photographed the mine blast said this particular photo contains an image of the devil's face inside the cloud of smoke and dust.

permit_id	complaint_date	complaint_comment	responsible_party_name
D000752	8/5/2001 15:00:00	On-site C-20's mining operation caused water loss.	COASTAL COAL WEST VIRGINIA, LLC
D000762	12/10/2001 11:20:00	Large crack in earth surface (3-5 foot wide and approximately 1/2 mile long) near old Brooks Run mine, Brooks Creek near Edison.	COASTAL COAL WEST VIRGINIA, LLC
D002182	9/12/2001 09:59:00	COAL DUST.	ELK RUN COAL COMPANY, INC.
D002182	10/28/2001 09:00:00	FIVE COMPLAINTS RECEIVED ON 10/28/01 FOR COAL DUST IN SYLVESTER, WV. HARRY RIDDLE, MANUAL ARVON, MARY MILLER, HALLINE THOMPSON, PAULINE CANTERBERRY ALL PHONED IN COMPLAINTS STATING THAT COAL DUST FROM THE ELK RUN MINE COMPLEX HAD BLOWN ONTO HOMES IN THE AREA.	ELK RUN COAL COMPANY, INC.
D002182	1/30/2002 08:08:00	HEAVY BLAST ON 1/28/02 FROM ELK RUN'S STOKER AREA.	ELK RUN COAL COMPANY, INC.
D002182	2/6/2002 04:34:00	VERY HEAVY BLAST FROM ELK RUN COAL CO.'S STOKER PLANT ON 2/6/02 @ 4:00 PM. BLAST DISLODGED FURNACE DUCT WORK.	ELK RUN COAL COMPANY, INC.
D002182	2/9/2002 11:00:00	DUST FROM STOKER PLANT GETTING WORSE OVER THE LAST TWO (2) WEEKS.	ELK RUN COAL COMPANY, INC.
D002182	2/7/2002 13:30:00	DUST ON 2/4/02 BAD. MORE NOTICEABLE DUST IN LAST TWO WEEKS. VERY HEAVY BLAST ON 2/5/02 @ 4:00 FROM ELK RUN COAL.	ELK RUN COAL COMPANY, INC.
D003582	7/3/2001 13:30:00	Springs on farm are drying up. Only run when it rains now. Springs dry up and they didn't use to. also water from springs looks black.	GLADY FORK MINING, INC.
D003582	7/11/2001 11:00:00	Garage is cracking and settling.	GLADY FORK MINING, INC.
D003582	7/31/2001 14:00:00	Well water staining everything red.	GLADY FORK MINING, INC.
D003582	10/17/2001 11:00:00	Road at Gladly Fork mine is dusty and dirty. Can't keep car clean.	GLADY FORK MINING, INC.
D003582	1/15/2002 13:00:00	Coal trucks tracking mud and spilling coal onto county road.	GLADY FORK MINING, INC.
D006082	12/7/2001 09:00:00	Coal dust covering home and causing health problems.	JOALS COAL COMPANY
D018400	7/16/2001 09:20:00	House is settling and door won't open. House is over Badger Mine.	HAWTHORNE COAL COMPANY, INC.
D018400	10/28/2001 07:30:00	Yellow scum on river across from house. Could be coming from coal company.	HAWTHORNE COAL COMPANY, INC.
D018400	1/15/2002 13:00:00	Mud and coal spillage on county road.	HAWTHORNE COAL COMPANY, INC.
E003700	6/13/2001 10:00:00	Mr. Marshall's complaint was that there junk equipment and trash still on this mine site. They also said they did not like the ditch that was being constructed through the mine site.	ALPINE DEVELOPMENT COMPANY
E004500	11/28/2001 16:30:00	Dust from preparation plant and coal traffic contaminating house.	KEPLER PROCESSING CO INC
E008400	7/30/2001 13:31:07	HOLLOW WASHED OUT ON 7-29-01 AND AGAIN ON 8-3-01. WANTS IT INSPECTED TO SEE IF BUFFALO MINING OR GAS COMPANY. (NOTE: ON 7-31-01 MR. PETERS VOICE HIS CONCERNS ABOUT WATER SEEPS BEHIND HIS RESIDENCE AS NOTED BELOW. (11/13/01) 07/20/01 IN RESPONSE TO OSM TD	BUFFALO MINING CO
E009400	7/30/2001 13:32:45	IN RESPONSE TO TDY X91-110-080-006, THE MINING COMPANY USES AN UNPERMITTED UNBONDED ROAD. THIS ACTIVITY CREATED A SITUATION WHERE FLOODING AND RUNOFF IMPACTED CITIZENS PROPERTY. (VERBAL COMPLAINT OF HILLSIDE SEEPS FILED WITH R. CASERTA	BUFFALO MINING CO
E009400	12/4/2001 09:00:55	ACCORDING TO COMPLAINANT, BUFFALO MINING CO. WAS TO PAY WATER BILL. THEY RECEIVED THEIR FIRST WATER BILL AND WERE TOLD BY BUFFALO PSD THAT THE WATER BILL WAS THE RESIDENT'S RESPONSIBILITY.	BUFFALO MINING CO
E011700	8/7/2001 16:15:00	Dust from haulroad.	BLUESTONE COAL CORPORATION
E011700	8/16/2001 16:25:00	Have not installed pump and haulroad getting dusty.	BLUESTONE COAL CORPORATION
E012500	7/16/2001 15:45:00	The hillside opposite the road from the complainant may be in danger of blowing out. A spot on the hill pushed out during recent heavy rain; this is where Marietta Coal previously repaired a slide. Complainant also concerned that the stream is constricted.	MARYBKA COAL COMPANY
E012500	11/29/2001 10:05:00	Mr. O'Brien stated that his well has had reduced capacity for some time. He believes that mining has had an effect on his well.	WINDSOR COAL COMPANY
H-071290	8/24/2001 09:15:04	STORM YESTERDAY WASHED DIRT OFF OF HAULROAD ONTO HIS PARKING AREA	BANDMILL COAL CORPORATION
O000185	12/27/2001 14:52:59	DUST VERY THICK. ROLLER ON BELTLINE MAKING A VERY LOUD NOISE	LAPOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.
O000185	12/28/2001 14:50:23	COMPLAINANT STATED THAT DUST FROM THE LOADOUT NEAR RILEY CAMP ON BUFFALO CREEK IS VERY BAD. ALSO STATES THAT HE WAS NOT OFFERED A PRE-BLAST SURVEY.	LAPOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.

C000165	1/3/2002 14:11:58	DUST VERY BAD AGAIN. COMPLAINANT STATES THAT THEY TOOK THEIR CAR TO THE CARWASH LAST NIGHT (1-2-02) AND SPRAYED IT OFF AND IT WAS DUSTY AGAIN TODAY.	APPOQUE COAL CO DBA ARCH OF WEST VIRGINIA, INC.
C000384	8/28/2001 14:40:00	County road dusty.	BLACK WOLF MINING COMPANY
C000384	1/22/2002 06:27:00	Dirt and mud on county roads (#6 and #8 Gary) Also overweight coal trucks going through community.	BLACK WOLF MINING COMPANY
C000384	2/1/2002 06:00:00	Muddy county road washed.	BLACK WOLF MINING COMPANY
C001083	1/16/2002 14:17:00	Muddy water running off the mountain and along sides of the road since Green Valley Coal blasted this afternoon.	GREEN VALLEY COAL COMPANY
C001085	11/1/2001 14:18:24	Dust on county road from coal truck going thru Eckman.	MID-VOL LEASING INC
C001085	1/22/2002 13:55:09	Wants to have coal company to put gravel on road. His kids have to walk to and from bus stop in the mud.	MID-VOL LEASING INC
C001182	8/3/2001 10:45:00	Coal dumped along Route 119 and there is a fuel tank on top	CHEYENNE SALES COMPANY, INC.
C001885	9/18/2001 09:05:00	On 9/18/01 @ 3:38 pm and 9/17/01 @ 1:38 pm shook ground--damage unknown, she has not checked home for damages.	GOALS COAL COMPANY
C001885	12/17/2001 09:28:00	Loud Blasting. Home showing cracks in ceiling and walls, she believes is caused by blasting. Blasts on 12/17/01 @ 4:12 and 4:27; 12/28/01 @ 4:03.	GOALS COAL COMPANY
C001885	12/18/2001 15:20:00	Two blasts on 12/17/01 think between 2:00 - 4:00, second blast louder and more vibration. 3 blasts on 2/18/01, noticed cracking in dining room and Florida room, stated he has previously had 2 windows broken, went ahead and replaced. Does not know if it.	GOALS COAL COMPANY
C001885	12/20/2001 16:20:00	Blasts, 2 or 3 in a row @ 4:05 p.m. and 4:10 p.m. today. Blasting windows, shakes lamps and felt like her whole house shook.	GOALS COAL COMPANY
C002084	11/26/2001 10:30:00	Received complaint via E-mail thru Andy Gallagher DEP office in Nitro. Complaint is receiving dust from coal trucks going by home. He lives adjacent to Antaeus Gary Permit (site of old U.S. Steel Alcoa's Plant). Trucks are not tagged and road is not to be.	ANTAEUS GARY PROJECT, INC.
C003484	8/12/2001 14:30:00	BLACK WATER IN SPRUCE - LAUREL FORK.	WIND RIVER RESOURCES CORP
C003983	10/1/2001 08:30:00	Blasting at Hawthorne Coal Company has caused damage in the form of cracks in the wall.	HAWTHORNE COAL COMPANY, INC.
C004183	7/29/2001 10:30:00	Black Water	PEERLESS EAGLE COAL CO
C004484	8/7/2001 12:05:57	DUST HAS BEEN TERRIBLE SINCE MINER'S CAME BACK FROM VACATION.	STIRRAT COAL COMPANY
C004484	11/19/2001 08:15:52	MRS. ROBBETTE STOPPED IN LOGAN DEP OFFICE ON 11-19-01. SHE SAID THAT THE COMPANY HAD WASHED MUD OFF THE ROAD ONTO HER PROPERTY AND THAT SHE NOTICED MUDDY WATER OVER THE WEEKEND.	STIRRAT COAL COMPANY
C004484	12/3/2001 08:28:51	COMPANY WASHED MUD INTO DRIVEWAY. CLEANED OUT LAST NIGHT. TRACKING WAS BAD YESTERDAY.	STIRRAT COAL COMPANY
C004484	12/11/2001 08:25:08	THERE IS BLACK WATER IN THE CREEK BY THE CHURCH EMPTYING INTO CLEAR CREEK.	STIRRAT COAL COMPANY
C004484	12/12/2001 09:20:18	COMPANY IS DISCHARGING MUDDY WATER INTO ISLAND CREEK. EQUIPMENT ACROSS CREEK IS DIGGING AND CAUSING IT.	STIRRAT COAL COMPANY
C007082	2/6/2002 10:45:00	Barker's Creek in Bud is running black.	HERNDON PROCESSING COMPANY
C007882	2/6/2002 12:15:00	Black Water in creek near Herndon, WV. Complaint phoned into Nitro office.	HERNDON PROCESSING COMPANY
C008283	9/26/2001 09:18:00	There is a coal pile near Laurita Prep Plant (permit #0-82-83) is on fire and the smoke is a problem.	CORESCO, INC.
C008382	12/11/2001 10:30:00	Chemical smell causing her to be ill. Citizen accompanied inspector Jerry Quasberry and myself to area where she smelled the chemical. Area was above the Bluestone refuse impoundment and near a dominion gas compressor station.	SECOND STERLING CORP.
C008382	12/11/2001 10:31:00	Chemical smell causing her to be ill. Citizen accompanied inspector Jerry Quasberry and myself to area where she smelled the chemical. Area was above the Bluestone refuse impoundment and near a dominion gas compressor station.	SECOND STERLING CORP.
C012083	7/30/2001 14:47:00	Coal Company is dumping coal to load into coal cars and the coal is slipping up the creek and causing the creek not to flow and the area accumulating from sewage in the creek. (Behind Walter's Forest at Crab Orchard).	ORCHARD COAL CO
C014783	7/13/2001 10:59:40	Refuse from wash out in Jenkins has covered lot owned by the United Methodist Church in Jenkins.	MID-VOL LEASING INC
C015683	8/7/2001 16:00:48	LIVES ABOUT 1000 YDS FROM COAL TRUCK ENTRANCE, DUST IS TERRIBLE COMING FROM HIGHWAY, COAL TRUCKS DRIP MUD ON ROAD AND IT TURNS TO DUST.	DELBARTON MINING COMPANY

C015683	8/6/2001 11:54:32	TAILGATE CAME OPEN YESTERDAY ON HIGHWAY NEAR HIS HOME - COAL SPILLED - CREATES DUST - COMPLAINT RECEIVED BY DON HILL WATER RESOURCES	DELBARTON MINING COMPANY
C015683	11/19/2001 12:30:27	DUST FROM THE MINE IS VERY BAD.	DELBARTON MINING COMPANY
C016083	8/21/2001 09:35:00	Black water is seeping from mine. Lives on Rt. 85 above Coalton.	PIONEER FUEL CORPORATION
C016583	7/31/2001 17:45:54	FUGITIVE DUST AND NOISE FROM SURROUNDING MINE RELATED AREAS.	EASTERN ASSOCIATED COAL CORP.
C016583	9/24/2001 10:12:32	BLACK WATER REPORTED AT NEAR BOB WHITE OR JARRELL'S BRANCH AREA. CALL FORWARDED TO DEP BY MSHA AND BOONE CO. 911 - CALLERS WISHING TO REMAIN ANONYMOUS	EASTERN ASSOCIATED COAL CORP.
C100187	2/1/2002 09:09:00	Need county road washed.	MARTINA COAL COMPANY
C100093	8/15/2001 10:00:00	Mr. Carroll is concerned that Rinkoo Coal Company is placing refuse from coal mined at the company's Hacker's Creek Mine on their refuse site (permit #0-1009-93) without the necessary and proper rights and authorization.	ROBLEE COAL COMPANY
C000700	1/17/2002 11:00:50	Trucks hauling coal from S-3004-00 are creating noise pollution using engine brakes to descend the grade at the mouth of Rich Creek.	POWELLTON COAL COMPANY, LLC
C000700	1/24/2002 10:40:03	Coal truck traffic on 805 between Rt. 29 and the Rich Creek Haulroad is a danger to local traffic. Trucks waiting in line by roadside obstruct view of oncoming traffic. Roadside barriers breaking down to limit under increased weight cause slick pavement.	POWELLTON COAL COMPANY, LLC
C001095	7/5/2001 09:10:00	Black water coming from Marfork Coal Co.	MARFORK COAL COMPANY, INC.
C001095	8/21/2001 15:00:00	Blasts on 9-18-01 @ 10:00 am and 11:00 am and on 9/19/01 @ 4:15 p.m. - Excessively loud and shook her residence also 9/21/01 at 4:25 p.m.	MARFORK COAL COMPANY, INC.
C001095	9/5/2001 13:17:00	Blasting has shaken homes, glass windows moved, mirror shifted...on following dates 9/19/01 @ 10:25-11:00 am, 9/18/01 @ 16:15, 9/21/01 NTN, 9/28/01 @ 11:35 a.m., 9/27/01 @ 18:50, 10/3/01 @ 16:30.	MARFORK COAL COMPANY, INC.
C001095	1/9/2002 16:29:01	Blast 1/8/02 at 4:20 p.m. Blast shook house, knocked stuff off window sills.	MARFORK COAL COMPANY, INC.
C001095	1/8/2002 16:30:01	Blast 4:20 p.m. on 1/8/02. Really strong blast - things fell off counters in his mobile home. shook his horses really bad.	MARFORK COAL COMPANY, INC.
C001095	1/10/2002 16:23:01	Blast 1/10/02 @ 4:10 p.m. similar to the one on 1/8/02, knocked things over.	MARFORK COAL COMPANY, INC.
C001095	1/14/2002 15:20:01	Blasting on 1/12/01 @ 4:45, 12/17/01 @ 4:17; 12/27/01 @ 3:50; 12/28/01 @ 3:30, 3:40, 3:50; 1/2/02 @ 3:30, 1/3/02 @ 10:05 and between 4 and 5, 3 more blasts. 1/5/02 at 11:00 and 2:30; 1/11/02 @ 4:55, 1/14/02 at 4:05 p.m.	MARFORK COAL COMPANY, INC.
C001095	1/16/2002 12:59:00	Blasting on 1/15/02 @ 4:05 and 4:12 p.m. knocked guttering extensions loose and cracks in ceiling and walls, and also bathroom.	MARFORK COAL COMPANY, INC.
C001095	1/22/2002 15:40:00	1/22/02 @ 10:45 and 1/21/02 @ 3:47, 4:00, 4:04, 4:07, 4:35	MARFORK COAL COMPANY, INC.
C001095	1/22/2002 16:10:00	Blasting on 1/19/02 @ 1:26, orderblock house, house shook and fell in their lot.	MARFORK COAL COMPANY, INC.
C001095	1/23/2002 16:30:00	Blast at 1/23/02 @ 4:28 and lasted 3 to 4 seconds.	MARFORK COAL COMPANY, INC.
C001095	1/26/2002 13:36:00	Blast shook house and shook her as well 1/26/02 @ 1:23 p.m.	MARFORK COAL COMPANY, INC.
C001489	8/9/2001 11:02:14	Blasting shaking her house.	KINGSTON RESOURCES INC
C002483	9/5/2001 09:30:00	Reported black water in marsh Fork coming from Marfork Coal Company.	MARFORK COAL COMPANY, INC.
C002483	1/30/2002 15:05:00	Mr. Woody is concerned that Messey Coal operators along Marsh Fork are dumping or allowing chemicals to enter the stream. Mr. Woody has had recent health problems that he believes are related to the chemicals he gets into in his water from the Whitesville.	MARFORK COAL COMPANY, INC.
C000391	11/27/2001 15:00:00	STOCKPILE IN YARD IS SMOKING, CAUSING PROBLEMS OFF PERMIT AREA WITH SMELL.	CC COAL COMPANY
C000391	1/17/2002 16:45:00	DUST ON HIGHWAY AT AND NEAR ALL LOADING DOCKS ON REFERRED TO STRETCH OF US 82. PERMIT NUMBERS INVOLVED INCLUDE: AQUILA LOADING DOCK - PERMIT #0-5061-57 - NPDES #WV099578, C C COAL CO. PERMIT #0-5003-91 - NPDES #WV1010508, PEN COAL CORP. - PERMIT #0-5.	CC COAL COMPANY

0500786	12/26/2001 15:00:36	DUST IS RUINING THEIR HOMES. THEY ARE DUMPING TRUCKS OVER A HIGHWALL AND 90% OF THE TIME THEY DONT USE ANY WATER ON THE COAL. THEY ARE ALSO LOADING TRAINS AT NIGHT AND NOT USING ANY WATER WHERE THE COAL COMES OFF THE BELT AND IT CAUSES A BIG CLOUD OF D	MATE CREEK ENERGY OF WV INC
0500786	1/5/2002 14:45:30	DUST IS RUINING HIS HOME. SAYS DUST IS EASY TO SEE TODAY SINCE IT HAS SNOWED. THEY ARE NOT RUNNING THEIR WATER SPRAYERS. RESIDENT ALSO SAYS THEY ARE DUMPING AND LOADING TRAINS DURING NIGHT.	MATE CREEK ENERGY OF WV INC
0500786	1/10/2002 09:38:57	COMPLAINANT SAID SHE WANTS AN INSPECTOR TO COME TO HER HOUSE AND LOOK AT THE DUST ON HER CAR AND ON THE SNOW BEFORE THE SNOW MELTS TODAY. SHE SAID IT WAS TERRIBLE.	MATE CREEK ENERGY OF WV INC
0501795	7/17/2001 10:20:00	"COAL DUST IS GETTING ON MY CUSTOMERS (AND MY) CARS AND ON AND AROUND MY PROPERTY AND BUILDINGS". CITIZEN WANTS PERMITTEE TO HIRE A PERSON TO KEEP THE CARS AND PROPERTY CLEAN.	KANAWHA RIVER TERMINALS INC
0501795	6/29/2001 13:30:00	FLIGHTIVE DUST WAS BLOWING OFF BONDED AREA 3 ONTO MR. FRY'S PLACE OF BUSINESS WHICH IS LOCATED APPROXIMATELY 200 YARDS SOUTH OF BONDED AREA WHERE DUST WAS GENERATED. WHEN I INVESTIGATED, MR. FRY WAS VERY UNCOOPERATIVE & CONTINUALLY USED ABUSIVE LANGUAGE T	KANAWHA RIVER TERMINALS INC
0501795	9/11/2001 13:00:00	HOUSE HAS BEEN DUSTED FROM OPERATION NEAR HOME.	KANAWHA RIVER TERMINALS INC
0501992	8/23/2001 06:00:00	FISH KILL AT POND FORK.	QMAR MINING COMPANY
0504187	8/25/2001 13:05:00	TRUCKS ARE TRACKING COAL FINES ONTO HIGHWAY ON WHICH SHE TRAVELS TO WORK, GETTING CAR DIRTY EVERYDAY. CITIZEN STATED THAT TWO SEPARATE DOCKS WERE DOING THIS IN DIFFERENT AREAS AND THIS ONE "WASNT SO BAD". CITIZEN WAS CONTACTED BY PHONE ON 9/25/01.	PEN COAL CORP
0504187	1/17/2002 16:45:00	DUST ON HIGHWAY AT AND NEAR ALL LOADING DOCKS ON REFERRED TO STRETCH OF US 52. PERMIT NUMBERS INVOLVED INCLUDE: AQUILA LOADING DOCK - PERMIT #0-5061-87 - NPDES #WV006576, C C COAL CO. - PERMIT #0-5003-91 - NPDES #WV1010806, PEN COAL CORP. - PERMIT #0-5	PEN COAL CORP
0505491	11/14/2001 12:30:00	DUST COMING FROM ROAD IS COVERING HIS PATIO FURNITURE, CARS, AND HOUSE.	ROCKSPRING DEVELOPMENT INC
0506788	7/18/2001 10:16:00	BLACK WATER IN LITTLE COAL RIVER	INDEPENDENCE COAL COMPANY, INC.
0509066	9/17/2001 15:44:50	BROWN WATER RUNNING OFF MOUNTAIN INTO WEST FORK. BEFORE COAL COMPANY NEAR RAILROAD TRACKS. APPROXIMATELY 250 YDS. PAST RAILROAD TRACKS.	EAGLE ENERGY, INC.
0506167	9/20/2001 13:09:00	TRUCKS ARE TRACKING COAL DUST ONTO HIGHWAY 52. SHE DRIVES TO WORK BY THIS AREA AND IS GETTING DUSTED DAILY. CITIZEN WAS CONTACTED BY PHONE ON WE., SEPT. 26, 2001.	AQUILA DOCK, INC.
0506167	1/17/2002 16:45:00	DUST ON HIGHWAY AT AND NEAR ALL LOADING DOCKS ON REFERRED TO STRETCH OF US 52. PERMIT NUMBERS INVOLVED INCLUDE: AQUILA LOADING DOCK - PERMIT #0-5061-87 - NPDES #WV006576, C C COAL CO. - PERMIT #0-5003-91 - NPDES #WV1010806, PEN COAL CORP. - PERMIT #0-5	AQUILA DOCK, INC.
0508091	8/24/2001 08:58:56	CITIZENS ON DUNCAN FORK CONCERNED THAT DELBARTON MINING IS CONDUCTING MINING ACTIVITY BEFORE PERMIT IS APPROVED. WANTS TO ACCOMPANY INSPECTOR ON SITE	DELBARTON MINING COMPANY
0508091	9/11/2001 09:30:39	MAYBE A BLAST OR ROOF FALL SHOOK CEILING FANS AND COMPUTER APPROX 8:00 P.M. 9-8-01.	DELBARTON MINING COMPANY
0508091	11/16/2001 19:29:27	DUST FROM THE MINE IS VERY BAD.	DELBARTON MINING COMPANY
0509186	4/3/2001 20:30:26	RECEIVED CALL FROM D. WHITE ON 911 REFERRAL. BLACK WATER IN POND FORK AT HARRIS.	EASTERN ASSOCIATED COAL CORP.
0501388	7/26/2001 12:00:00	The 911 dispatcher stated they had received a citizen's phone call saying that the refuse dump at Chicopee Coal Company was overflowing and going to break. The dispatcher contacted Clay control and the Clay volunteer fire department fire chief and had him	CHICOPEE COAL COMPANY, INC.
0502986	10/15/2001 13:45:27	Complained the dock was letting trucks track debris from the bonded area onto US Rt. 60.	KANAWHA RIVER TERMINALS INC
P055300	9/12/2001 14:32:17	Dust from Little Creek Dock.	APOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.
P055399	10/2/2001 16:30:58	Dust from Little Creek Dock.	APOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.

4 of 27

P055560	12/16/2001 10:20:02	Dust at Shrewsbury.	LITTLE GREEK DOCK COMPANY, INC.
P060500	7/23/2001 12:00:59	REFERRED FROM TONY GRBAC 7-20-01 1:25 P.M. BLASTING HAS CAUSED DAMAGE FROM HOME. SIDING LOOSE ON HOME. HAS HAD PREBLAST SURVEY DONE BY JUPITER CALLISTO; 2ND SURVEY DONE BY UNKNOWN. NO COPY YET. (MARCH) BAD BLAST ON 7-12TH(?) *BLAST 7-24/01 AT 5:4	JUPITER COAL CO INC
P060500	8/3/2001 05:49:11	CALLED ABOUT BLASTING TO M. MAY'S. CALL REFERRED TO LOGAN CMR ON 8-9-01 FROM DEB. CITED 4 DATES & TIMES FOR BAD SHOTS: 6:10:01 09:23 a. 8-1-01 6:57 p. 8-21-01 7:20 p. AND 8-30/1 5:50 p. CALLED TO COMPLAIN ABOUT BLASTING, BUT NOT CLAIMING ANY DAMAGE	JUPITER COAL CO INC
P060500	8/21/2001 08:59:07	BLASTING DAMAGE TO HOME. FOLLOW UP BY L T PACK 01-29-02 - BLASTING DAMAGED HOUSE. (SEE PREVIOUS MR-3535)	JUPITER COAL CO INC
P060500	8/23/2001 17:00:38	VERBAL AND WRITTEN COMPLAINT REGARDING BLASTING OPERATIONS AND BLASTING SHAKING HOUSE. IDENTIFIES BLASTS ON 8/19; 8/1, 8/2, & 8/22 OF 2001	JUPITER COAL CO INC
P060500	9/12/2001 10:30:51	FELT BLAST & HEARD NOISE FROM BLAST AT 8:30 A.M. THIS DATE. AFTER RECENT TERRORIST ATTACKS, THIS BLAST SCARES KIDS WHO ARE NOT OLD ENOUGH TO DISCERN DIFFERENCES. WOULD LIKE COMPANIES TO LIMIT OR CEASE BLASTING FOR A DECENT PERIOD UNTIL ADJUSTMENT CAN BE M	JUPITER COAL CO INC
P060500	10/2/2001 12:00:18	BLASTING EVENTS SHAKING HOUSE. LETTER IDENTIFIES EVENTS ON 8/27, 8/4, 9/5, 9/15.	JUPITER COAL CO INC
P060500	11/15/2002 06:00:21	FOLLOW UP BY L T PACK 01-03-2002 - BLASTING SHAKING HOUSE	JUPITER COAL CO INC
P060500	1/29/2002 13:40:11	REPORTING BLASTING DATES THAT SHOOK HOUSE. DATES - 10-10-04 - 11/26/7/8/13 - 12/8; 26-1/2; 4. NO REPORT OF DAMAGES AT THIS TIME (LETTER ATTACHED) "WVDEP HAS TRIED REPEATEDLY TO CONTACT MS. CASTLE AT PHONE # PROVIDED. PLEASE PROVIDE ADDITIONAL PHONE	JUPITER COAL CO INC
P061200	8/23/2001 10:34:00	BLASTING SHOOK HOME. SEE MR-35 DATED 1-15-02	JUPITER COAL CO INC
P061300	9/16/2001 12:50:00	Very gray water in Missouri Run below the coal prep plant.	COASTAL COAL WEST VIRGINIA, LLC
P061300	9/16/2001 12:50:00	Foamy water in Missouri Run below preparation plant on 03/16/2001.	COASTAL COAL WEST VIRGINIA, LLC
P061200	9/18/2001 14:15:00	Dead fish in Missouri Run below preparation plant	COASTAL COAL WEST VIRGINIA, LLC
P061200	10/18/2001 14:00:00	Water in Missouri Run below the preparation plant is black and moving upstream. The complaint was from 10/17/2001.	COASTAL COAL WEST VIRGINIA, LLC
P071200	10/17/2001 13:30:00	Red and muddy water entering Tygart River in vicinity of prep plant. Prep plants ponds are red. River above prep plant is clear and muddy below.	DANTE COAL COMPANY
P202631	6/18/2001 17:00:00	Domestic water well affected by coal prospecting drilling nearby. Water historically of good quality, has had a bad taste, odor and particles in it since drilling commenced. Particles worse in hot water. Load of laundry ruined. Drilling commenced east	CONSOLIDATION COAL COMPANY
O000284	9/28/2001 16:20:00	Millville Quarry, Inc. is drilling again along road. It is loud and Mr. Friedman works at home. Also last time they (Millville) caused some road subsidence. Mr. Friedman would like warning signs posted.	MILLVILLE QUARRY, INC.
O006673	10/24/2001 11:21:00	Blast of September 24, 2001 caused wall to crumble like sulphur for 3 days then cleared.	FAIRFAX MATERIALS, INC.
O021878	7/24/2001 10:15:00	Blast today shook house. House shows cracks on inside walls that the tools have been caused by blasting over the years. Walls are hog hair plaster. Also a fence gate constructed recently will not properly close. House is an older house remodelled several	RIVERTON CORPORATION
O021878	11/18/2001 10:09:00	Dust, noise, danger to pond, blasting are all problems Mr. Kennedy has with Riverton Corporation. The dust is bad especially at start up early in the morning. The noise from dumping and crushing is bad. The blasting "rocks" his house and he is afraid it	RIVERTON CORPORATION
Q200197	10/9/2001 11:15:00	Well water has become progressively worse. Has higher sediment, discoloration and filter changes are required more frequently.	J. F. ALLEN COMPANY
Q201900	8/22/2001 11:45:00	Discoloration of water from well following blasting on Monday 08/20/01 and blasting 08/16/01. Water in toilet tank was reported to have been muddy and white clothing was yellowish following washing.	J. F. ALLEN COMPANY
Q201600	8/27/2001 11:10:00	Discoloration and muddiness of water in Lick Fork of Chenoweth Creek downstream of new quarry. Mud appears to be originating at the new quarry. Mr Krantz has notified company.	J. F. ALLEN COMPANY

5 of 27

R074900	9/1/2001 07:16:29	BLACK WATER IN RUM CREEK	BANDMILL COAL CORPORATION
R074900	8/1/2001 07:39:06	BLACK WATER SPILL IN RUM CREEK	BANDMILL COAL CORPORATION
R074900	1/26/2002 16:30:28	WATER FROM CONVEYOR DRIPPING ON ROAD AND FREEZING MAKING DANGEROUS SPOT ON COUNTY ROAD	BANDMILL COAL CORPORATION
S000985	8/26/2001 15:00:44	BLASTING ON 6-13-01 AND 8-23-01 WAS HARD AND SHOOK HIS RESIDENCE	ALEX ENERGY, INC.
S000985	7/11/2001 14:00:52	BLASTING ON 7-9-01 AT 4:47 AND 7-13-01 AT 4:08 SHOOK HIS HOUSE AND KNOCKED PICTURES OFF THE WALL	ALEX ENERGY, INC.
S000985	7/19/2001 07:41:04	DUST FROM 5-9-05 PERMIT	ALEX ENERGY, INC.
S000985	8/7/2001 08:25:26	Blast on 8/07 a.m. was a "wingslinger" of a blast	ALEX ENERGY, INC.
S000985	9/6/2001 10:42:07	BAD BLAST AT 10:40 A.M. TODAY 9-6-01, OEB INSPECTORS WERE AT HIS HOUSE AND HAD GONE ON THE JOB ABOUT 30 MINUTES EARLIER	ALEX ENERGY, INC.
S001594	11/3/2001 11:20:00	Trucks hauling sludge have crushed culvert in driveway	OMEGA MINING CO INC
S002578	8/21/2001 09:09:00	Blasting at Evergreen Mining Company complex has shaken house several times. House is under construction and plaster work has cracked at corners of windows (interior). He repaired it once but now is cracked again. Mr. Green is concerned shaking from bl	EVERGREEN MINING COMPANY
S003576	6/22/2001 12:01:00	Well no longer can supply household. Quality is declining and softer (can no longer adequately host). Well has been running dry. Owner is concerned about vibrations felt at house has affected well. Contractor is drilling a new well as old one can no l	EVERGREEN MINING COMPANY
S003576	9/24/2001 16:48:00	Blasting at Evergreen has been shaking house. Damage has occurred to chimney and it is leaking water in when it rains. The Woods believe the damage was caused by blasting at the Evergreen complex. No specific shots were related to	EVERGREEN MINING COMPANY
S005730	10/18/2001 14:34:00	Property not reclaimed. County road is not adjacent to property anymore. Access to property is gated.	UPSHUR PROPERTY, INC.
S005585	8/5/2001 10:08:00	Road at her house was destroyed by last week's flood. She says (2) people have tried to get to pond above her house to treat water and check water. She has been told that ponds washed out during the flood.	ALEX ENERGY, INC.
S007282	9/14/2001 13:40:00	Very concerned over conditions of a pond located in Upper Brownsdale. Hollow that was damaged by flood event of July 9, 2001. The emergency spillway has washed out all rip-rap and the primary exit pipe has been blocked by debris and beavers. There is a	BLUESTONE COAL CORPORATION
S007282	11/27/2001 08:21:00	The road going to Brownsdale past the Red Fox Surface Mine is very muddy when it rains.	BLUESTONE COAL CORPORATION
S007282	11/27/2001 08:21:01	The road going to Brownsdale past the Red Fox Surface Mine is so muddy when it rains that his wife cannot get to work.	BLUESTONE COAL CORPORATION
S007282	12/16/2001 06:00:00	The road going to Brownsdale past the Red Fox Surface Mine is very muddy when it rains. The coal company is building berms on county road, causing it to be terrible for local traffic. The berm being constructed does not allow road for 2 lane traffic a	BLUESTONE COAL CORPORATION
S007282	12/16/2001 09:01:00	The road going to Brownsdale past the Red Fox Surface Mine is very muddy when it rains. The coal company is building berms on county roads causing the road to be terrible for local traffic. The berm being constructed does not allow room for 2 lane tra	BLUESTONE COAL CORPORATION
S007505	10/2/2002 14:00:30	PORCH ON HIS HOUSE IS SEPARATING AT THE TOP. ALSO SHINGLES HAS A LONG CRACK. HE BELIEVES IT'S CAUSED BY BLASTING.	APOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.
S008890	7/23/2001 12:39:01	BLAST AT 12:15 P.M. ON 7-23-01 WAS VERY LOUD AND BOULDER ROLLED DOWN INTO TIMBERS BEHIND HOUSE	TRACE CREEK COAL COMPANY
S008890	7/20/2001 08:39:50	POND IN JEFFS BR. IS FULL. MUD IS COMING DOWN THE STREAM	TRACE CREEK COAL COMPANY
S008890	7/30/2001 10:10:24	BLASTING DAMAGED FIREPLACE IN MARCH OF 2001	TRACE CREEK COAL COMPANY
S008890	7/31/2001 12:56:30	WANTS WELL WATER CHECKED. WATER IS RED.	TRACE CREEK COAL COMPANY
S008890	8/9/2001 12:18:16	Blasting caused pictures to fall off the wall and one hit him on the head and injured him. Also caused clock to fall, breaking it.	TRACE CREEK COAL COMPANY
S008890	8/15/2001 17:05:06	At 2:10 p.m. today a big blast on old Magdal job shook the house & rattled the door, caused a big dust cloud on the hill. Live at Preece Bottom Rd., ten miles behind, it's a big pond road.	TRACE CREEK COAL COMPANY
S008890	8/16/2001 08:20:27	Company is still shooting too hard. They are shaking house to pieces. Shot at 7:00 p.m. on 8/15/01.	TRACE CREEK COAL COMPANY
S008890	8/21/2001 14:00:28	Hard shots on 17th, 18th and 20th. Wants the seismograph checked.	TRACE CREEK COAL COMPANY
S008890	8/28/2001 12:46:05	"Blast at approximately 12:30 very bad".	TRACE CREEK COAL COMPANY

5 of 27

S008890	9/11/2001 12:29:08	"SHOOK EVERYTHING IN HOUSE: PICTURES AND EVERYTHING SHOT WAS ON 8/1/01 @ 12:23 P.M.: WANTS SOMEONE THERE TODAY.	TRACE CREEK COAL COMPANY
S008890	9/25/2001 10:30:32	CITIZEN STATED THAT ACCESS ROAD BETWEEN PONDS 5 & 8 IN HEAD OF RIFE BRANCH WAS WASHED OUT AND IS IMPASSABLE IN SOME SPOTS. ALSO, PONDS NEED CLEANED: FULL OF SEDIMENT.	TRACE CREEK COAL COMPANY
S008890	9/26/2001 11:15:56	"EXTREMELY HARD SHOTS" OCCURRED ON 9/21 @ 1:50 P.M. AND 9/25 @ 4:11 P.M. SHOOK HOUSE: TEARING IT TO PIECES"	TRACE CREEK COAL COMPANY
S008890	10/2/2001 10:25:06	"BLAST AT 12:25, VERY BAD" OCCURRED ON 9/28 AND "BLAST AT 10:15 SHOOK EVERYTHING IN HOUSE" OCCURRED ON 10/2	TRACE CREEK COAL COMPANY
S008890	11/8/2001 15:00:48	BLASTIN HAS BEEN SHAKING HOUSE HARD. PROVIDED A LIST OF DATES AND TIMES OF BLASTS FELT. FORWARDED TO INSPECTOR MIKE ALLIE 11-15-01. JOHN FLEISHER	TRACE CREEK COAL COMPANY
S008890	11/8/2001 16:00:47	RESIDENT STATED HE WAS OUTSIDE DIGGING WATER LINE AND FELT VIBRATIONS AND AIR BLASTS ON 11-8-01. ALSO, RESIDENT REQUESTED COPIES OF PREVIOUS COMPLAINT FORMS. I EXPLAINED TO RESIDENT I WOULD HAVE TO GO THROUGH GREG TACKETT'S PAPERWORK AND FIND THE FORMS AN	TRACE CREEK COAL COMPANY
S008890	12/3/2001 13:00:55	CALL RECEIVED BY OUR OFFICE 12-4-01 AROUND 12:00 P.M. FROM RAVELLA IN NITRO DMR OFFICE. CALL WAS ORIGINALLY TAKEN 12-3-01 AROUND 12:00 P.M. BY SOMEONE IN AIR QUALITY OFFICE AND REFERRED TO HER/RAVELLA FROM SANDY CONWAY AT AIR QUALITY THIS AFTERNOON 12-4	TRACE CREEK COAL COMPANY
S008890	12/11/2001 14:47:42	"CALLER SAID BLAST @ 11:09 A.M. SHOOK HOUSE SO HARD THAT HER ROOF OPENED UP AND WATER LEAKED INTO HER FOYER AND SOAKED HER NEW CARPET. SHE SAID ONE DAY IT SHOOK HER OFF OF A LADDER SHE WAS STANDING ON. RESIDENT ALSO COMPLAINED OF WATER QUALITY PROBLEMS (TRACE CREEK COAL COMPANY
S008890	12/18/2001 10:09:45	RESIDENT STATED THERE WAS A HARD BLAST ON 12-15-01 @ 12:25 P.M. & ON 12-17-01 @ 11:09 A.M. & 16:36 P.M. ALSO BLAST @ APPROXIMATELY 10:30 A.M. 12-18-01 (WHILE ON SITE) SHOT WAS FIRED. MR. MARCUM STATES HE HAS RECENTLY STARTED BUILDING A PORCH ON DECEMBER	TRACE CREEK COAL COMPANY
S008890	1/18/2002 04:11:57	"BLASTING AT 4:10 P.M.: SHOOK HOUSE VERY BADLY."	TRACE CREEK COAL COMPANY
S008890	1/30/2002 12:39:54	"BLASTING AT 12:33 P.M. KNOCKED PICTURES OFF THE WALLS. RESIDENT THOUGHT THEY WERE SUPPOSED TO BE RECLAIMING BUT THEY ARE HAULING COAL EVERYDAY. DOES NOT BELIEVE THEY COULD POSSIBLY BE IN COMPLIANCE WITH LAWS."	TRACE CREEK COAL COMPANY
S012878	1/30/2002 15:40:00	(GREY WATER IN BRAGG FORK. 2ND CALL. PREVIOUSLY CALLED IN 1/28/02.	ROBERT MINING INC.
S016177	10/18/2001 18:45:00	An individual identified as Clay Unit #601 rained into the 911 Center that there was black water flowing down Lily Fork. He requested that the local conservation officer be notified. Immediately after hearing this conversation on a home scanner, Inop	LAND USE CORPORATION
S021875	11/15/2001 09:15:00	Blast at Evergreen Mining Company on 11/15/2001 at about 9:05 shook house. Last 2 days they have been blasting to hard.	MOUNTAIN VIEW COAL COMPANY
S022676	8/15/2001 17:00:00	Shot at 05/16/2001 at about 1 PM was very loud and shook residence hard.	EVERGREEN MINING COMPANY
S024076	9/7/2001 10:50:00	Shot of 09/07/2001 at about 10:30 was loud and shook house so hard it knocked a mounted deer head off the wall. Mr. Bowman believes slach shots have damaged his house and property. Damage includes cracked windows, cracks in block, and walkways. 2 smals	EVERGREEN MINING COMPANY
S024076	10/31/2001 18:00:00	Dust from cast shot of 10/05/2001 at about 1:30 had settled into residential area along Birch River. Dust was very thick, especially at his mothers house. Inspector had spoken to Mr. Hoffschmidt on 10/05/2001 while taking pictures of area, but we did	EVERGREEN MINING COMPANY
S024076	11/2/2001 11:55:00	Shot of 11/02/2001 at about 11:45 caused dust to enter residential area along Birch River. Dust was bad near his mothers house and along Route 82	EVERGREEN MINING COMPANY
S024076	11/19/2001 09:05:00	Well at residence has been running dry. Had pre-mine survey for deep mine recently. Had felt several shots shake house and wondered if shaking may have affected well.	EVERGREEN MINING COMPANY

7 of 27

S100476	11/14/2001 09:48:00	Shot at Evergreen Mining Company on 11/14/01 at about 8:30 was today hard and shook house bad.	EVERGREEN MINING COMPANY
S100200	8/16/2001 11:00:00	Blasting on Patriot S-1002-00 is rattling windows, shaking their house and causing things to fall off of shelves. Some cracks are appearing on the basement walls. This is a new home.	PATRIOT MINING COMPANY, INC.
S100399	9/27/2001 12:00:00	Mining on Patriot S-1002-00 has caused large rocks and sediment to be deposited in the stream (Gashin Run) behind his residence.	PATRIOT MINING COMPANY, INC.
S100269	10/24/2001 13:00:00	A citizen contacted the Office of Air Quality about dust blowing off of Patriot Mining Company, Inc. permit S-1002-00.	PATRIOT MINING COMPANY, INC.
S100269	11/1/2001 06:57:00	Plyrock from Patriot Mining's Quaker Run North job was cast onto his property from blast pit of the previous day.	PATRIOT MINING COMPANY, INC.
S100269	1/14/2002 15:00:00	Coal trucks leaving Patriot S-1002-00 (Quaker Run job) are tracking mud onto Rt. 18. Complaint was called in to Morgantown OSM office and transferred to Mike Carico, Inspector Specialist, DEP.	PATRIOT MINING COMPANY, INC.
S100297	11/29/2001 08:45:00	Mr. Medley believes the church building received damage from blasting by Patriot Mining Co., Inc. permit S-1002-97.	PATRIOT MINING COMPANY, INC.
S100488	9/14/2001 06:40:00	Debris from Starling Fault plant in Monongalia county is being dumped into Freeport Mining's strip pit.	FREEPORT MINING CORPORATION
S100595	8/13/2001 11:30:00	Surface mining has caused water quality in well to worsen.	FREEPORT MINING CORPORATION
S100797	7/6/2001 10:00:00	Blasting from Patriot's permit S-1007-97 has caused some cracks in plaster. Also they are shaking his residence and things are getting knocked off of shelves.	PATRIOT MINING COMPANY, INC.
S100797	9/13/2001 14:30:00	Believes that blasting has caused cracking in foundation and damage to chimney.	PATRIOT MINING COMPANY, INC.
S100797	11/20/2001 11:00:00	Blasting from Patriot S-1007-97 has caused damage to their house.	PATRIOT MINING COMPANY, INC.
S100797	12/13/2001 14:00:00	Patriot is not replacing topsoil on their property. Blasting signals are not always being heard and the complainants are concerned about blasting within proximity of the Amoretta School.	PATRIOT MINING COMPANY, INC.
S100697	10/17/2001 11:05:00	Company failed to reclaim "off permit" disturbance on land of Oscar Lippincott. Two dirt holes not filled.	GRACE ENTERPRISES, INC.
S101658	10/12/2001 09:30:00	Civilian living in the area has caused their well to go bad. Water in well has a high iron content causing an iron sludge to clog water conditioner.	AMERIKOHL MINING, INC.
S108655	10/24/2001 06:00:00	Deep ruts on the surface area where Sediment Pond No. 2 was reclaimed caused his tractor and brush hog to become stuck.	AMBEC CORPORATION
S200555	8/12/2001 17:00:00	Car got stuck in hole on County Road 59/1, road on Nescos permit near Marshall Williams residence. Had to have another vehicle put him out of hole. May have damaged vehicle.	NESCO, INC.
S200555	8/12/2001 17:15:00	Vehicle stuck in hole on county road on Nescos permit near Marshall Williams residence. Had to be pulled out of hole.	NESCO, INC.
S200555	12/12/2001 11:00:00	Nescos has disturbed and is mining on property owned by him. He also indicated that he had not received any notification from Nescos prior to mining.	NESCO, INC.
S200555	12/12/2001 15:00:00	Citizens have contacted him about Nescos. Citizens have told him that Nescos has been mining on their property and not paying royalties. Dat Proudfoot wants to know how checks and balances are determined to see that all property owners are paid royalties.	NESCO, INC.
S201150	7/9/2001 09:30:00	Blasting by Fola Coal has been shaking house. Plyrock from mining at head of Leatherwood landing in woods on Leatherwood side of permit. Did not receive notice for pre-blast survey from Fola. Concerned about future mining on this permit as work gets off.	FOLA COAL COMPANY, L.L.C.
S201150	9/27/2001 16:00:00	Blasting at Fola coal company surface mine cracked glass in four windows of the Twentyfirst Baptist Church. Breakage occurred between church services on 09/24/01 and 09/11/01. Mrs. Morris contacted company but they would not accept responsibility. They w	FOLA COAL COMPANY, L.L.C.
S201150	8/27/2001 11:01:00	Blasting since January 2001 has been shaking house, vibrating windows and moving objects hangin on wall. Big blast on 05/17/01 cracked plaster on living room ceiling. There have been many more since then i.e. 05/19/01 @ 5:37, 06/20 @ 12PM, 08/22 @ 12:15	FOLA COAL COMPANY, L.L.C.
S201293	9/30/2001 14:06:00	Blast on 09/15/2001 at 11:00 shook house and caused well to get muddy. Well is 32' deep, drilled 1974. Since blast well has been muddy and discolored. He has had to replace paper cartridge filter every couple days.	FOLA COAL COMPANY, L.L.C.
S201293	12/18/2001 16:30:00	Blasting from a southern direction has caused damage to well. From a well holding 180 gallons to only about 90 gallons or less. Also blasting has shook home at different times.	FOLA COAL COMPANY, L.L.C.
S204088	10/12/2001 13:20:03	Surface water coming from reclamation site causing flooding/property damage.	C & W COAL COMPANY
S300455	10/5/2001 13:17:01	Blasting - via Nitro Office.	CATENARY COAL CO
S300455	10/3/2001 13:17:12	Blasting - via Nitro Office.	CATENARY COAL CO

S300455	10/5/2001 13:17:40	Blasting - complaint information via Nitro office.	CATENARY COAL CO
S300455	10/23/2001 16:23:06	Ready good blast.	CATENARY COAL CO
S300556	10/2/2001 09:00:00	Load blasts on: 9/27/01 @ 4:00 p.m. - 4:15 p.m. 9/28/01 @ 4:00 p.m. - 4:15 p.m. 10/01/01 @ 4:20 p.m.	ALEX ENERGY, INC.
S300556	10/4/2001 10:00:00	Load Blasts on: 9/27/01 @ 4:00 p.m. - 4:15 p.m. 9/28/01 @ 4:00 p.m. - 4:15 p.m. 10/01/01 @ 4:20 p.m.	ALEX ENERGY, INC.
S300556	11/0/2001 14:22:00	Load blasting - Complaintant lost well. Blasting occurred during evening hours as per Joe.	ALEX ENERGY, INC.
S300556	12/17/2001 16:52:00	Words (son of complainant). Blasting occurred on 11/9/01.	ALEX ENERGY, INC.
S300556	12/18/2001 06:59:00	Load blasting: 12/17/01 at 8:30 a.m. - 9:00 a.m. and at 4:25 p.m.	ALEX ENERGY, INC.
S300556	12/18/2001 06:12:00	Load blasting: 12/18/01 at 4:45 p.m.	ALEX ENERGY, INC.
S300556	12/18/2001 06:12:00	Blast - 12/18/01 at 4:45 p.m. Very strong blast - shook his house and rotted window was broken. NOTE: he has felt blasts before but this was the strongest one he has felt.	ALEX ENERGY, INC.
S300556	1/23/2002 01:10:00	Blasting - cracks in the house.	ALEX ENERGY, INC.
S300556	1/23/2002 08:45:00	Load blasting - Shook house and possible well. (NOTE: No specified times and dates).	ALEX ENERGY, INC.
S300556	1/23/2002 12:59:00	Blasting - shaking the mobile home.	ALEX ENERGY, INC.
S300556	1/25/2002 09:06:00	Very strong blast at 8:00 a.m. on this date. The mentioned blast shook the house. (Closest active mine to Alex Energy permit # S-2005-08).	ALEX ENERGY, INC.
S300556	1/25/2002 09:35:00	Very strong blast at 8:00 a.m. on this date. The mentioned blast shook house. (Closest active mine - Alex Energy - Permit #S-2005-08).	ALEX ENERGY, INC.
S300556	7/28/2001 20:57:38	Diesel fuel on top of water in pond being pumped into Cabin Creek near Eskola. Call to hotline forwarded to DMR on 7/29/01 at 10:55 a.m. Specialist Vernon was on site 7/29/01 due to callout for impoundment inspections and talked to Cabin Creek Watershed.	PRINCESS BEVERLY COAL CO
S300556	8/29/2001 06:09:00	Excessive dust, trucks leave dirt on road where they enter the paved county road.	CHICOPEE COAL COMPANY, INC.
S300796	8/9/2001 10:08:53	Black water down the hollow from the active strip.	KCC COAL COMPANY
S300796	8/9/2001 20:30:58	Black water in Four Mile Hollow of Leno Creek.	KCC COAL COMPANY
S300796	12/08/2001 16:35:00	Blast - 4:30 p.m. and 4:22 p.m. on 12/28/01. Rattled garage doors. Blast usually occurs around 4:00 p.m. everyday.	TRIPLE "B" LEASING CORPORATION
S301390	8/15/2001 12:05:48	Trailer is starting to buckle, roof is leaking, siding is buckling. House is only 5 years old.	UPPER KANAWHA VALLEY DEVELOPMENT CORP.
S301390	11/6/2001 15:05:01	Pumping station for filling up water trucks is about 10 feet from the back of his mobile home and water overflow running under the trailer causing damage.	UPPER KANAWHA VALLEY DEVELOPMENT CORP.
S301460	7/25/2001 04:10:17	Blasting complaint.	PRITCHARD MINING CO INC
S301460	7/25/2001 04:10:51	Blasting complaint.	PRITCHARD MINING CO INC
S301460	7/25/2001 04:15:57	Blasting complaint.	PRITCHARD MINING CO INC
S301460	8/5/2001 11:02:14	Blasting shaking her house.	PRITCHARD MINING CO INC
S301460	9/20/2001 10:55:40	Blasting shaking house.	PRITCHARD MINING CO INC
S301460	11/1/2001 15:10:09	Filling water truck out of seldom seen hollow of Dry Branch of Cabin Creek. Creek is mostly dry.	PRITCHARD MINING CO INC
S301460	11/15/2001 09:05:40	Blast shaking house on 11/15/01 at approximately 8:45.	PRITCHARD MINING CO INC
S301460	11/15/2001 09:10:05	Blast shaking house on 11/15/01 at approximately 8:45.	PRITCHARD MINING CO INC
S301460	11/15/2001 09:35:58	Blast shaking house on 11/15/01 at approximately 8:45.	PRITCHARD MINING CO INC
S301460	11/10/2001 06:30:30	Blast shaking house on 11/10/01 at approximately 8:45.	PRITCHARD MINING CO INC
S301734	6/27/2001 06:09:00	Spring and three wells have experienced water loss as a result of work done in the Left Fork of White Oak Creek by C C Coal Company.	TEFFRY EAGLE COAL COMPANY LLC
S301886	12/4/2001 09:04:00	Shakes on 12-1-01 at 11:50 a.m. and 1:54 p.m. rattled the windows in her home.	INDEPENDENCE COAL COMPANY, INC.
S301886	12/18/2001 09:10:00	Load blasting on 12-17-01 between 4:12 - 4:27 and on 12-18-01 at 4:58 p.m. Believes blasting has damaged her home.	INDEPENDENCE COAL COMPANY, INC.
S301886	12/18/2001 15:20:01	Blast on 12-17-01 between 2:00 - 4:00 p.m. was louder with more vibration than usual... has noticed some damage to his home but doesn't know if it was caused by blasting or not.	INDEPENDENCE COAL COMPANY, INC.
S301886	12/20/2001 16:20:01	Blast on 12-20-01 shook her house to the extent that the windows and lamps in the house rattled. 2 or 3 blasts in a row. The blasts occurred between 4:05 and 4:19 p.m.	INDEPENDENCE COAL COMPANY, INC.
S301999	1/7/2002 16:25:00	Blast on 1-5-02 at 2:24 p.m. shook her home to the extent that the windows rattled and shook and could feel vibration under her feet. normal operation is independence or Progress Coal	INDEPENDENCE COAL COMPANY, INC.
S301999	1/8/2002 16:20:00	Blasting on 1-5-02 at 4:20 p.m. shook her home, knocking things from the window sills.	INDEPENDENCE COAL COMPANY, INC.
S301999	1/8/2002 16:30:00	Blast on 1-5-02 at 4:20 p.m. shook his home to the extent that things fell from the counter tops.	INDEPENDENCE COAL COMPANY, INC.

S301900	1/9/2002 18:25:00	Blast on 1-9-02 at 4:25 p.m. shook his house, rattled windows, knocked things off the wall and cracked shutters.	INDEPENDENCE COAL COMPANY, INC.
S301996	1/10/2002 08:10:00	Mr. Poley advises that he has never been notified of the right to a pre-blast survey and that he has previously alleged damage from blasting (investigated by Ron Sheets from the Logan Office).	INDEPENDENCE COAL COMPANY, INC.
S301999	1/14/2002 15:30:00	Blasting is shaking her home on a regular basis. The following dates and times are reported: 11-22-01 4:45, 12-17-01 at 4:17 p.m., 12-27-01 at 3:50 p.m., 12-28-01 at 3:30 p.m., 3:40 p.m. and 3:50 p.m.; 1-2-02 at 2:30 p.m., 1-3-02 at 10:05 a.m. and 3 more.	INDEPENDENCE COAL COMPANY, INC.
S301649	1/17/2002 10:42:00	Blasting on 1-16-02 at 10:30 p.m. shook homes and disturbed the whole neighborhood.	INDEPENDENCE COAL COMPANY, INC.
S301659	1/22/2002 15:46:01	Blasting on 1-21-02 at 9:47 p.m., 4:00 p.m., 4:04 p.m., 4:07 p.m. and 4:35 p.m.; also, on 1-22-02 at 10:45 a.m. Shook her home. Mrs. Williams is concerned that continued shaking will damage her home.	INDEPENDENCE COAL COMPANY, INC.
S301659	1/23/2002 18:36:01	Blasting on 1/23/02 at 4:25 p.m. shook her home. The blast lasted for 4 seconds. Mrs. Pomeroy is concerned about the continued shaking of her home.	INDEPENDENCE COAL COMPANY, INC.
S301639	1/24/2002 14:10:00	Blast on 1-29-02 at 1:23 p.m. shook the house.	INDEPENDENCE COAL COMPANY, INC.
S301950	1/29/2002 18:35:00	Blast or loud rumble, possibly underground on 1-29-02 at 4:20 p.m. Shook his home and rattled the windows. This occurs several times a month, but this incident was the worse.	INDEPENDENCE COAL COMPANY, INC.
S302192	2/5/2002 06:41:00	Loud blast that rattles the windows.	PEERLESS EAGLE COAL CO
S302050	10/3/2001 09:00:18	Blast on 10/1/01 at 4:40 p.m. Shook house.	CATENARY COAL CO
S302530	10/4/2001 18:26:31	Blast too strong. Shook house and shook his mother lying on couch.	CATENARY COAL CO
S302350	11/6/2001 10:10:20	Blast on 11/6/01 at 4:31 p.m. Shook him while he was in his house.	CATENARY COAL CO
S302350	1/2/2002 12:00:35	Catenary is blasting very hard. Feels like coal trucks are coming through her home. Blast dates and times: 12/27 at 2:50, 12/28/01 at 3:30, 3:40 and 3:50 and 12/02 at 2:30 a.m.	CATENARY COAL CO
S302893	7/2/2001 16:09:53	Blasting causing damage.	PRITCHARD MINING CO INC
S302933	7/19/2001 10:00:51	Blasting causing damage.	PRITCHARD MINING CO INC
S302933	7/27/2001 10:58:49	Blasting causing damage.	PRITCHARD MINING CO INC
S302933	8/5/2001 04:15:12	Blasting causing damage.	PRITCHARD MINING CO INC
S302933	12/12/2001 12:30:50	Blasting started in the area and they have not received a preblast survey.	PRITCHARD MINING CO INC
S302933	12/17/2001 15:35:58	Blast shook house. Noise bulging out of plaster and bricks cracking.	PRITCHARD MINING CO INC
S302794	7/27/2001 09:55:00	Concerned about damage caused by C C Coal Company in Left Fork of White Oak Creek.	CC COAL COMPANY
S302794	8/27/2001 09:09:00	Spring and three wells have experienced water loss as a result of work done in the Left Fork of White Oak Creek by C C Coal Company.	CC COAL COMPANY
S302794	8/27/2001 09:09:01	Spring and three wells have experienced water loss as a result of work done in the Left Fork of White Oak Creek by C C Coal Company.	CC COAL COMPANY
S302794	8/27/2001 09:09:02	Spring and three wells have experienced water loss as a result of work done in the Left Fork of White Oak Creek by C C Coal Company.	CC COAL COMPANY
S302794	9/10/2001 14:00:00	No water in tank supplied by coal company.	CC COAL COMPANY
S302794	9/20/2001 12:54:00	Approached C C Coal wants her to sign to get well drilled in tank.	CC COAL COMPANY
S302794	11/13/2001 13:50:00	Mrs. Workman wants water delivered. The water that the fire department brought is dirty.	CC COAL COMPANY
S302794	11/21/2001 09:30:00	One water tanks has gone dry and messed up pump.	CC COAL COMPANY
S302794	12/3/2001 13:43:00	Out of water-company should know to deliver without her having to call every week. Cement trucks going to the mine site are going too fast.	CC COAL COMPANY
S302794	1/15/2002 14:30:00	Road to her house is very slick. Can coal company put gravel on it?	CC COAL COMPANY
S303200	7/10/2001 13:00:06	Loggers have constructed a 4 foot high dam with 2 twelve inch pipes that were too small to handle the water flow. Says he has complained previously but nothing was done. He wants someone to investigate.	APPALACHIAN MINING INC
S303340	7/15/2001 14:48:29	Concerned about a crack in one of the dams on the strip mine. More rain is expected tomorrow and she is concerned that more flood damage is possible.	APPALACHIAN MINING INC
S304509	1/15/2002 15:18:59	Blasting is shaking her house and on 1/15/02 around 15:13 hours the vibration knocked over figurines in her china cabinet and caused her cupboard to fall open.	APPALACHIAN MINING INC
S400596	8/4/2001 12:00:00	Visiting oil in Branch near home. May be coming from surface mine area. Site lot oil was in Bear Branch Hollow near Ocasana.	PIONEER FUEL CORPORATION

10 of 27

S400596	1/11/2002 06:50:00	Ceilings cracked-seems to be worse since pre-blast survey done on 4/1/99. Also has done remodeling since pre-blast survey - needs updated survey.	PIONEER FUEL CORPORATION
S400596	1/29/2002 13:03:00	Timber debris and rock sediment discharged from Pioneer Fuel surface mine S-4005-96 on the 17th and 18th of May 2001. Debris blocked a culvert resulting in road damage and sedimentation of the stream bed. This sediment was not removed from the stream bed.	PIONEER FUEL CORPORATION
S400597	10/5/2001 15:30:00	Very loud blast was heard at approximately 3:45 PM on 10/5/01. Calken was not complaining about damage or ground vibrations but wanted to know where blast was coming from.	BLACK WOLF MINING COMPANY
S400597	12/21/2001 10:30:00	Felt a rumble from a blast that shook her house around 5:30 pm on Thursday 12-20-01. Would like to know where it is coming from.	BLACK WOLF MINING COMPANY
S400797	11/21/2001 09:59:00	Mr. Richard Dillon contacted the Housewife Nick J. Rabell. His office in reference to stress being on the graves at the Dillon Cemetery due to mining activity.	MID-VOL LEASING INC
S400695	9/15/2001 10:20:00	Blasting on 9/10/01 caused dwelling to shake and caused storm door on the back of the house to come open. Rocks were heard falling through the trees in the woods above the house. Complainant states that no damage occurred.	PAYNTER BRANCH MINING INC
S400695	8/22/2001 19:00:00	Blasting from Paynter Branch Mining, Inc's surface mines in the area have caused damage to occur to his mobile home located in Brown's mobile home park located at Cyclone, WV.	PAYNTER BRANCH MINING INC
S400695	8/28/2001 10:00:00	Blasting from Paynter Branch Mining, Inc. surface mines in the area have caused damage to occur to his mobile home.	PAYNTER BRANCH MINING INC
S400695	9/19/2001 11:00:00	Blast that occurred on 9/18/01 at 5:30 PM shook his house.	PAYNTER BRANCH MINING INC
S400695	9/19/2001 11:10:00	Blast that occurred on 9/18/01 at 5:30 PM shook his house.	PAYNTER BRANCH MINING INC
S400695	11/7/2001 13:40:00	A blast that occurred on 11/7/01 at 3:31 PM shook his house excessively.	PAYNTER BRANCH MINING INC
S400695	11/7/2001 15:25:00	A blast that occurred on 11/7/01 at 3:31 PM shook his house excessively.	PAYNTER BRANCH MINING INC
S400695	12/3/2001 15:50:00	Blasting that occurred on 12/3/01 at 12:25 PM caused excessive shaking to dwelling and the dust from the shot settled over the community and the fumes from blasting agents caused headaches to Mrs. Adkins. That lasted all evening Mr. Adkins believes that.	PAYNTER BRANCH MINING INC
S400695	1/2/2002 19:00:00	Blast that occurred on 1/2/02 at 8:50 AM was excessive in that it shook items off of shelves and rattled windows. No damage reported.	PAYNTER BRANCH MINING INC
S400695	1/14/2002 17:50:00	Blasting on 1/21/02 at 4:31 PM shook so hard that it woke wife up and shook tv on stand. A shot that occurred on 1/18/02 at 9:38 AM also shook house. *Note-Complaint received from Logan DEP office on 1/22/02.	PAYNTER BRANCH MINING INC
S400695	1/26/2002 14:50:00	Blasting that occurred on 1/25/02 and 1/28/02 shook his house extremely hard and the 1/28/02 blast also resulted in a cloud of dust settling around the community.	PAYNTER BRANCH MINING INC
S400695	1/28/2002 14:55:00	Blasting that occurred on 1/28/02 shook house extremely hard.	PAYNTER BRANCH MINING INC
S401187	7/25/2001 16:05:00	She stated that the strip pit behind her house was turning loose muddy, black water and it also had a bad odor to it.	VIRGINIA ENERGY COMPANY
S401489	8/12/2001 09:15:00	Complaint received from the Office of Explosives and Blasting. Mr. McGarvey states that blasting from S-4014-96 on occasion shakes his house and he feels that it also has caused minor roof damage. Mr. McGarvey does not seek compensation from JMAG, all h	JMAG LEASING INC
S401499	11/8/2001 15:00:00	Blasting from JMAG S-4014-96 has shaken the houses several times and complainant feels that the shaking is responsible for several ceiling cracks in their home and wants JMAG Inc. to pay for repairs to the ceilings.	JMAG LEASING INC
S401499	12/27/2001 06:50:00	Rising in the past months and especially on 12/26/01 has been severe and Mr. McGarvey feels that the blasting has caused ceiling damage to his house for which he would like to be compensated or have repairs made.	JMAG LEASING INC
S401499	1/30/2002 11:10:00	Dust on highway. No water from gully to road.	JMAG LEASING INC
S401499	1/28/2002 10:08:00	Dust on Rt 10 from coal haulage at JMAG.	JMAG LEASING INC
S401499	2/1/2002 09:45:00	Blast at JMAG on 2/1/02 at 9:34+ shook house. (Notified by Larry Cook on 2/1/02 PM. Called citizen 2/1/02; visit to home with Larry Cook on 2/5/02.	JMAG LEASING INC
S401499	2/1/2002 09:45:00	Hard blast on 2/1/02 at 9:34+ also, dust on Rt. 10 from coal trucks leaving JMAG. (Notified by Larry Cook 2/1/02 PM. Called citizen 2/1/02; visit to home with Larry Cook on 2/5/02.	JMAG LEASING INC
S401595	10/12/2001 10:00:01	Blasting from the Pioneer Fuel Corporation S-4015-96 surface mine has caused Mr. Reacina's house to shake an occasion over the past year and he feels that the blasting has resulted in five broken windows in his mobile home. He further stated that the blast	PIONEER FUEL CORPORATION

11 of 27

S401506	10/12/2001 10:01:03	Blasting from the Pioneer Fuel Corp. S-3015-05 causes mine has caused Mr. Roach's house to shake in excess over the past year and he feels that the blasting has resulted in five broken windows in his mobile home. He further states that the blast that	PIONEER FUEL CORPORATION
S401509	10/12/2001 15:25:00	Complainant stated that someone had blasted and shook his house on 10-12-01 at approximately 3:15 PM. Complainant also stated that no damage had occurred but he wanted to know who blasted.	MID-VOL LEASING INC
S402305	12/21/2001 15:26:00	Blast shook her residence on 12/21/01 at 3:26 PM.	BLUESTONE COAL CORPORATION
S500394	11/30/2001 12:40:00	BLASTING IS SHAKING HOUSE. THIS OCCURRED AT 3:15 PM ON 11/29/01 AND AT 12:00 ON 11/30/01.	CC COAL COMPANY
S500394	12/19/2001 16:26:00	BLASTING SHAKING COMPLAINANT'S HOME. I SPOKE WITH BOTH COMPLAINTS AND THEY SAID THAT THERE MAY BE DAMAGE TO THEIR HOMES.	CC COAL COMPANY
S500394	12/14/2001 16:29:00	BLAST AT 1622 HRS. SHOOK ENTIRE HOUSE.	CC COAL COMPANY
S500595	7/25/2001 15:08:21	Mrs. Baladen reported by phone on 7-25-01 that blasts were heard from Falcon Surface Job on 7-18-01 and 7-23-01. On 8-6-01 Mrs. Baladen reported blasts on 7-30-01 and 8-3-01 were heard and shook her residence.	FALCON LAND CO INC
S500395	9/1/2001 14:09:00	BLACK WATER COMING FROM HOBET MINES ON UPPER MUD RIVER, GOING DOWN RIVER TO MUD RIVER DAM.	HOBET MINING INC
S500395	9/9/2001 09:10:00	WATER COMING OFF OF HILL 8/30/01. STANDING IN ROAD. DUST IN HOUSE. BIG SHOTS 8/5/01 12 NOON AND 3:30. ROCKS IN AIR.	HOBET MINING INC
S500395	8/24/2001 14:40:00	WATER HAS RECENTLY STARTED SMELLING LIKE ROTTEN EGGS. PRE-BLAST SURVEY WAS DONE 4/28/00 WATER WAS SAMPLED 2/1/00.	HOBET MINING INC
S500395	9/13/2001 12:52:00	BLASTING IS SHAKING MOBILE HOME. WELL WATER NOW SMELLS BAD.	HOBET MINING INC
S500395	8/19/2001 16:25:00	SITTING ON PORCH. CUP OF COFFEE ALMOST VIBRATED OFF. COXMODE TANK LID VIBRATED. (9-18-01) BLASTS BAD ON 9/12 AM 13, 20, 24, 29 AND ON 10/1, 2. HAND DUG WELL, 30 FT. DEEP. USUALLY HAS 14 TO 15 FT. OF WATER IN IT NOW DOWN TO 8-6 FEET. DOESN'T KNOW IF BLAS	HOBET MINING INC
S500395	10/1/2001 10:50:00	HAS COMPLAINED FOR OVER A YEAR ABOUT BLASTING. INSURANCE ADJUSTER SENT BY COMPANY SAYS "FROSTLINE" IS DAMAGING HIS FOUNDATION. SATURDAY AT 10:25 - 10:27 AM BLAST RATTLED DISHES IN CHINA CABINET ON WALL. SON ACROSS THE HILL ALSO FELT BLAST. (9/29/01)	HOBET MINING INC
S500396	11/30/2001 16:13:00	BLAST AT 4:05 SHOOK VERY BADLY - NEARLY KNOCKED OVER CHRISTMAS TREE.	HOBET MINING INC
S500396	12/12/2001 16:01:00	COMPLAINT THROUGH DES. VERY LARGE BLAST AND LOTS OF VIBRATION. RESIDENT LIVES ON HILL AND IS CONCERNED ABOUT 1/4 MILE OF CONCRETE DRIVEWAY. LATER EXPRESSED CONCERN ABOUT DEEP MINING UNDER THE PROPERTY AND SUBSIDENCE DAMAGE. BLAST TIME 12/12/01 AT 1745.	HOBET MINING INC
S500393	10/4/2001 10:00:06	COMPLAINANT HAS INDICATED THAT THEY BELIEVE THAT DAMAGE HAS OCCURRED TO THEIR RESIDENCE DUE TO BLASTING FROM ARCH'S RUFFNER COMPLEX. NO SPECIFIC DATES INDICATED. COMPLAINANT BELIEVES THAT THIS DAMAGE HAS OCCURRED OVER AN EXTENDED PERIOD OF TIME.	APOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.
S500593	10/9/2001 10:01:42	THROUGH COMPLAINANT HAS INDICATED THEY BELIEVE THAT DAMAGE HAS OCCURRED TO THEIR RESIDENCE DUE TO BLASTING FROM ARCH'S RUFFNER COMPLEX. NO SPECIFIC DATES INDICATED. COMPLAINANT BELIEVES THIS DAMAGE HAS OCCURRED OVER AN EXTENDED PERIOD OF TIME THROUGHOUT THE LIFE O	APOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.
S501593	10/4/2001 10:00:49	COMPLAINANT HAS INDICATED THEY BELIEVE THAT DAMAGE HAS OCCURRED TO THEIR RESIDENCE DUE TO BLASTING FROM ARCH'S RUFFNER COMPLEX. NO SPECIFIC DATES INDICATED. COMPLAINANT BELIEVES THIS DAMAGE HAS OCCURRED OVER AN EXTENDED PERIOD OF TIME THROUGHOUT THE LIFE	APOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.
S500593	1/1/2002 14:50:59	BLAST AT 1436 SHOOK HOUSE BAD.	APOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.
S500593	1/5/2002 14:33:54	BLAST AT APPROX. 1426. SEISMOGRAPH IS SET UP NEAR BLAST SITE. STILL SEE DEBRIS IN THE AIR, THOUGHT IT WAS GOING TO KNOCK SLIDING GLASS DOOR OUT.	APOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.

S500593	1/14/2002 12:57:10	BLASTING ON 1-12-02 @ 1800 SHOOK HER HOUSE.	APOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.
S500592	7/26/2001 09:41:55	Mrs. Vincent complaint is that her well went bad after a shot on 7/19/01 and started going dry. Also, she feels her house is within 7 mile radius and she wasn't given a notice to a pre-blast survey.	MARROWBONE DEVELOPMENT CO
S500592	8/5/2001 09:09:04	WELL ON RENTAL PROPERTY RENTED TO JACK & ERMA NEWSOME HAS CHANGED COLOR AND HAS A BAD ODOR SINCE BLASTING STARTED. NO SPECIFIC DATES AND TIMES.	MARROWBONE DEVELOPMENT CO
S500592	8/14/2001 16:57:20	BLASTING THAT SHOOK PICTURES AND MIRROR OFF THE WALL BETWEEN FRIDAY AND 8-14-01. ALSO THE CEILING IS LEAKING AROUND THE CHIMNEY.	MARROWBONE DEVELOPMENT CO
S500592	8/10/2001 15:11:39	BLASTING DAMAGES TO APARTMENTS HE RENTS. BLOCK FOUNDATION CRACKING. TWO WELLS, ONE WENT DRY FOR ABOUT A MONTH AND BURNED UP THE PUMP. BOTH WELLS HAVE ORANGE WATER.	MARROWBONE DEVELOPMENT CO
S500700	7/14/2001 11:30:24	CITIZEN DIDN'T RECEIVE A NOTICE FOR A PREBLAST SURVEY.	MARROWBONE DEVELOPMENT CO
S500700	7/5/2001 06:50:44	CITIZEN STATED BLASTING DAMAGE TO WELL ON 7-3-01 4:35 P.M.	MARROWBONE DEVELOPMENT CO
S500700	7/6/2001 11:49:08	HEAVY BLASTING SHOOK PICTURE FRAMES AT ABOUT 11:45 ON 7/5/01.	MARROWBONE DEVELOPMENT CO
S500700	7/6/2001 12:00:39	HARD BLAST AT 11:45 ON 7/5/01. WELL WATER HAS CHANGED.	MARROWBONE DEVELOPMENT CO
S500700	7/10/2001 10:30:44	RESIDENT COMPLAINED OF EXCESSIVE BLASTING VIBRATIONS. CHANGES IN WATER (WELL); DAMAGE TO HOME; A UNSTABLE ROCKS ON HILL MAY BE IMPACTED BY BLASTING.	MARROWBONE DEVELOPMENT CO
S500700	7/17/2001 11:07:24	REAL BAD BLAST ON 7/17/001 AT 10:50 & 7:25/2001 AT 4:45. THE CHILDREN ARE SCARED OF BLASTING & THE SHOTS ARE DAMAGING THEIR HOUSE.	MARROWBONE DEVELOPMENT CO
S500700	7/25/2001 04:38:41	BLAST ON 7/25/2001 AT 3:55 & TWO SHOTS ON 7/25/2001 AT 4:11 SHOOK HOUSE REALLY BAD. HIS HOUSE HAS CRACKS IN HIS HOUSE THAT WASN'T THERE AT THE TIME OF THE PRE-BLAST SURVEY.	MARROWBONE DEVELOPMENT CO
S500700	8/23/2001 11:15:00	SHE RECEIVED A PRE-BLAST SURVEY IN JANUARY BUT SAYS THAT SHE HAS DAMAGES FROM BLASTING THAT HAVE OCCURRED SINCE THE SURVEY WAS DONE. I.E. KITCHEN FLOOR IS SLANTED & THERE ARE CRACKS IN THE BATHROOM AREA.	MARROWBONE DEVELOPMENT CO
S500700	10/3/2001 16:00:26	BLASTING HAS CAUSED THE ROOF TO LEAK. THE SHIMMOLES AREA ABOUT 12 YEARS OLD. ALSO, THE FOUNDATION IS CRACKED AND THE CABINET DOORS WILL NOT CLOSE. A PRE-BLAST SURVEY WAS CONDUCTED.	MARROWBONE DEVELOPMENT CO
S500700	10/11/2001 14:45:44	DAMAGE TO HIS CHIMNEY AND FLOOR OF HIS HOME. BLASTING FROM MARROWBONE DEV. AROUND SEPT. 11, 2001. THREE SHOTS IN A ROW IN THE EVENING CLOSE TO DARK. NO PRE-BLAST SURVEY WAS COMPLETED ON HIS HOME. HE LIVES ON MARROWBONE RIDGE 1/2 MILE PAST THE NUNS.	MARROWBONE DEVELOPMENT CO
S500897	7/30/2001 11:45:14	MUD RUNOFF OUT OF HOLLOW. THEY HAVE NO DRAINAGE BUT WENT AHEAD AND MINED IT WITHOUT BUILDING A POND. WOULD LIKE THEM TO CORRECT PROBLEM ON THE PRIVATELY OWNED PROPERTY THAT IS BEING MESSED UP.	TRI-COUNTY MINING, INC.
S501395	10/19/2001 09:07:10	BLASTING 2 TO 3 TIMES A WEEK AROUND 6:30 TO 6:45. BLASTS HAVE BEEN VIBRATING HOME. CONCERNED CONTINUED HARD BLAST WILL DAMAGE DWELLING. STRONGEST BLAST OCCURRED ON WEDNESDAY EVENING 10-17-01.	HANNCO ENERGY CORPORATION
S501390	10/19/2001 13:30:52	BLAST SHAKING HOME. CONCERNED ABOUT STRUCTURAL DAMAGES IF HARD BLASTING CONTINUES. STRONGEST BLAST OCCURRED WEDNESDAY EVENING ABOUT 7:00 P.M.	HANNCO ENERGY CORPORATION
S501390	10/18/2001 14:15:59	WEDNESDAY AROUND 8:30 P.M. BLAST SHOOK HOME. CONCERNED THAT HOUSE MAY BE DAMAGED IF CONTINUED.	HANNCO ENERGY CORPORATION
S501390	10/14/2001 14:30:02	ON WEDNESDAY EVENING AROUND 8:30 P.M. NOTED A THUMP SHOOK HOME. CONCERNED FUTURE DAMAGE MAY OCCUR AT HOME. IF HARD BLASTING CONTINUES.	HANNCO ENERGY CORPORATION
S501390	11/6/2001 10:30:26	ON 11-2-01 AT APPROXIMATELY 5:30 P.M. BLAST WAS FELT IN HOME BY OCCUPANTS. BLAST SHOOK WINDOWS IN DWELLING.	HANNCO ENERGY CORPORATION
S501390	12/3/2001 06:57:50	CHAFFIN BRANCH OF CHANCEY HOLLOW HAS BEEN VERY MUDDY FOR 9 DAYS. CITIZEN IS CONCERNED WATER ISN'T SAFE FOR HORSES TO DRINK AND HAS BEEN HAULING WATER FROM HOME.	HANNCO ENERGY CORPORATION

S501594	6/28/2001 10:00:41	BLASTING FROM STRIP DAMAGED GARAGE. BLASTS HAVE BEEN EXCEPTIONALLY HARD. HE ALSO HAS NEW HOUSE BEHIND HIS CURRENT RESIDENCE WHICH HAS NOT BEEN SURVEYED. MR. MOONEY INFORMED DEP THAT HE REQUESTED A SURVEY BUT IT HASN'T BEEN DONE YET.	HORIZON RESOURCES, LLC
S501594	7/5/2001 12:00:48	BLASTING FROM STRIP CHURCH PROPERTY (FELLOWSHIP HALL & PARKING LOT) IMPACTED BY MUD & WATER FROM LITTLE UGLY BR. ON 7-29-01. DISCUSSED VIA PHONE IN PAST & RECOMMENDED THAT A WRITTEN COMPLAINT BE FILED WITH WVDEP. THIS WRITTEN COMPLAINT DETAILING DAMAGES & COST RECEIVED BY WV	HORIZON RESOURCES, LLC
S501594	8/1/2001 12:00:25	HOME RENTED BY COMPLAINANT IMPACTED BY MUD & WATER FROM EVENT FROM LITTLE UGLY BRANCH ON 7-29-01. CAUSED BY HORIZON RESOURCES COAL CO.	HORIZON RESOURCES, LLC
S501594	8/1/2001 16:00:01	WATER & MUD DAMAGE TO HOUSE & PROPERTY FROM LITTLE UGLY BRANCH. WATER AND MUD IN WELL. *COMPLAINT FILED 8/1/01 BY PHONE. RECEIVED FOLLOW UP WRITTEN COMPLAINT 9/4/01.	HORIZON RESOURCES, LLC
S501594	8/1/2001 16:00:22	WATER & MUD DAMAGE TO HOUSE & PROPERTY FROM LITTLE UGLY BRANCH. WATER & MUD IN WELL.	HORIZON RESOURCES, LLC
S501594	8/1/2001 16:15:08	PROPERTY IMPACTED BY WATER & MUD FROM LITTLE UGLY BRANCH ON SUNDAY.	HORIZON RESOURCES, LLC
S501594	9/1/2001 16:30:56	PROPERTY IMPACTED BY WATER & MUD FROM LITTLE UGLY BRANCH ON SUNDAY.	HORIZON RESOURCES, LLC
S501594	9/1/2001 16:45:07	PROPERTY IMPACTED BY WATER AND MUD FROM LITTLE UGLY BRANCH ON SUNDAY.	HORIZON RESOURCES, LLC
S501594	8/14/2001 10:50:58	PROPERTY DAMAGED BY FLOOD WATER FROM HORIZON RESOURCES LLC POND FAILURE. OUTBUILDING, HOT WATER HEATER, YARD & MAYBE WELL IMPACTED.	HORIZON RESOURCES, LLC
S501594	8/14/2001 14:50:40	HOME DAMAGED BY FLOOD WATER FROM HORIZON RESOURCES POND FAILURE. BASEMENT, YARD & PROPERTY DAMAGE.	HORIZON RESOURCES, LLC
S501594	8/17/2001 12:00:07	PROPERTY DAMAGED FROM FLOOD WATER FROM HORIZON RESOURCES POND FAILURE. *OPERATION HAS BEEN UNDER ENFORCEMENT ACTION SINCE 7-29-01. COMPLAINANT SHOULD READ THIS FORM CAREFULLY. BACK OF THIS PAGE EXPLAINS CITIZEN RIGHTS.	HORIZON RESOURCES, LLC
S501594	8/21/2001 12:00:08	PROPERTY IMPACTED BY WATER AND MUD FROM LITTLE UGLY BRANCH ON 7-29-01.	HORIZON RESOURCES, LLC
S501594	9/12/2001 12:00:40	PROPERTY IMPACTED BY FLOOD EVENT COMING FROM LITTLE UGLY BRANCH ON 7-29-01. CAUSED BY HORIZON RESOURCES COAL MINE.	HORIZON RESOURCES, LLC
S501594	10/2/2001 10:00:33	HOME IMPACTED BY FLOOD EVENT OF 7-29-01 WHICH CAME FROM LITTLE UGLY BRANCH WHERE HORIZON COAL IS LOCATED. *PREVIOUSLY DISCUSSED WITH MS. EL SWICK ON PHONE. *RECEIVED WRITTEN COMPLAINT THIS DATE.	HORIZON RESOURCES, LLC
S501594	10/11/2001 08:00:57	FLOODING EVENT OF 7-29-01 IN TWILIGHT. WV FLOODED HOUSE/PROPERTY OWNED BY COMPLAINANT. COMPLAINT WAS INITIALLY FILED VIA PHONE (SEE VALERIE ELDREDGE). THIS REPORT CONFIRMS RECEIPT OF WRITTEN LETTER OF COMPLAINT.	HORIZON RESOURCES, LLC
S501594	11/1/2001 12:30:24	RESIDENCE IMPACTED BY JULY 29TH FLOOD EVENT FROM LITTLE UGLY BRANCH. HAD WATER & MUD DAMAGE & LOST SOME PROPERTY.	HORIZON RESOURCES, LLC
S501594	11/6/2001 08:00:39	HOME & PROPERTY IMPACTED BY 7-29-01 FLOOD EVENT FROM LITTLE UGLY BRANCH.	HORIZON RESOURCES, LLC
S501594	11/14/2001 16:15:32	ENTERED IN ERROR/UNCORRECTED COMPLAINT WILL FOLLOW/DO NOT FROM BLASTING SETTLING AND COVERING EVERYTHING	HORIZON RESOURCES, LLC
S501596	11/28/2001 09:10:56	BLASTING NOISE & VIBRATION EXCESSIVE. BLASTS ON 11-20, 21, 26 & 27 VERY BAD. BLAST ON 21ST THE WORST. SHOTS OCCUR ABOUT 4:30 P.M. PER S. COCHRAN AT SITE 12-3-01. MR. DICKERSON ALSO CONTACTED COMPANY.	BANDMILL COAL CORPORATION
S501596	12/18/2001 12:40:16	FOLLOW UP 12-3-01 BY L.T. PACK - BLASTING NOISE & VIBRATION ON 12-18-01 AT 12:35 SOUNDED LIKE TRUCK RAN THROUGH HOUSE. WITNESSED HUGE CLOUD OF DUST COMING FROM SHOT.	BANDMILL COAL CORPORATION
S501596	12/18/2001 12:40:57	BLAST ON 12-18-01 AT 12:35 WAS THE WORST HE'S EVER HEARD. SAID HE SAW A LARGE CLOUD OF DUST AND THEN ROCKS FLY OVER THE HILL.	BANDMILL COAL CORPORATION

14 of 27

S501796	8/18/2001 00:20:25	*Washed out brook streamway, losing up creek. Creek is red. Road is washed out. Blasting has torn up everything. Water is going down the roadway to the cemetery.	ALEX ENERGY, INC.
S501796	9/20/2001 09:30:36	EXCESSIVE SEDIMENTATION & EROSION ALONG LAUREL FORK ALSO. STATES THAT THE EXTRA FLOW OF LAUREL FORK HAS REDIRECTED THE STREAM IN AND AROUND HIS PROPERTY, ERODING OUT ROADS AND FENCE LINES. CITIZEN BELIEVES THAT SURFACE MINING ON SAID PERMIT IS THE CAUSE	ALEX ENERGY, INC.
S501796	10/1/2001 14:14:17	*SPRING IS DRIED UP DUE TO BLASTING - NEED WATER. THIS SPRING IS SUPPOSEDLY BEING TESTED BY ACCULAB. MR. NEECE IS ADAMANT THAT THIS SPRING HAS NEVER GONE DRY.	ALEX ENERGY, INC.
S501796	10/23/2001 09:05:40	JOE MAYNARD CALLED FOR PAUL AND ALLICE NEECE. WATER GET MUDDY AFTER BLASTING. CITIZEN PROVIDED A ONE GALLON SAMPLE OF WATER FROM THE WELL THAT WAS MUDDY TO HAROLD WARD DEP SUPERVISOR. CITIZEN WILL CALL DEP WHEN WELL WATER CLEARS UP SO A PRE-BLAST SAMPLE	ALEX ENERGY, INC.
S501796	11/16/2001 12:20:37	MR. NEECE STATED THAT HE IS HIGHLY CONCERNED ABOUT THE LOGGING/GRUBBING ON POINT ABOVE ACCESS ROAD ACROSS FROM HOUSE. HE IS AFRAID A ROCK OR TREE MIGHT COME OVER HILL ONTO ROAD WHILE TRAVELING IT. MR. NEECE ALSO SHOWED ME HIS SPRING BEHIND HOME. HE SAID S	ALEX ENERGY, INC.
S501809	1/12/2002 10:30:00	BLAST "SHOOK HOUSE EXCESSIVELY".	PEN COAL CORP
S501809	1/12/2002 10:35:00	BLAST "SHOOK WHOLE HOUSE". NO DAMAGE REPORTED.	PEN COAL CORP
S501809	1/23/2002 08:30:00	3 DATES: 1/16/02 (2 SHOTS), 1st: 10:30 AM, DAMAGE NOTED TO KITCHEN CABINETS WHERE ANCHORED TO CEILING. 2nd: FURTHER DAMAGE TO SAME. 1/17/02 SHOOK HOUSE & COOKS 2:10 PM 3rd 1/18/02 12:30 PM "SHOOK REALLY BAD". WEEKS HOME IS APPROX. 900' FROM SHOT. T	PEN COAL CORP
S501900	11/29/2001 09:05:55	BLASTING ON 11/29 AT 11:25 AND 5:25 SHOOK EVERYTHING IN THE HOUSE. ALSO, BLASTING ON 11/29 AT 8:45 A.M. SHOOK THE STUFF IN THE HOUSE. THEY BLAST ABOUT TWICE A DAY AND IT IS MUCH WORSE SINCE THE TRI-COUNTY STRIP HAS BEEN BOUGHT BY SOMEONE ELSE. THEY DON'T	TRI-COUNTY MINING, INC
S501900	11/29/2001 09:02:32	BLASTING ON 11/27, 28 AND 29 WAS VERY HARD (VIBRATION). CALLER SAID THERE IS NO SENSE IN THEM BLASTING THAT HARD. SHE SAID IT SCARED THEM TO DEATH IT WAS SO LOUD.	TRI-COUNTY MINING, INC
S501900	11/29/2001 09:04:09	BLASTING ON 11/27 AT 4:30, 11/28 AT 5:30 AND 11/29 AT 8:48 WAS VERY HARD (VIBRATION); THERE IS NO SENSE IN THEM BLASTING THAT HARD. SHE SAID IT SCARED THEM TO DEATH IT WAS SO LOUD.	TRI-COUNTY MINING, INC
S501900	11/29/2001 09:29:45	CALLER SAID BLASTING ON 11/28 AT 8:57 P.M. WAS VERY HARD (VIBRATION); THEY ALSO BLASTED ON 11/29 AT 8:48 A.M.	TRI-COUNTY MINING, INC
S501900	12/3/2001 12:10:38	BLASTING WAS TERRIBLE LAST WEDNESDAY (11/28) AND THURSDAY MORNING (11/29) AND SLIGHTLY BAD ON SATURDAY AROUND 2:00 (12:1). HE HAS A CRACK IN HIS BASEMENT WALL AND IS EXPECTING MORE DAMAGE IF THEY CONTINUE TO BLAST AS HARD AS THEY HAVE BEEN. HE THINKS THE B	TRI-COUNTY MINING, INC
S501900	12/3/2001 12:10:42	BLASTING AT 11:30 ON 11/28 AND 8:00 ON 11/29 SHOOK ENTIRE HOUSE	TRI-COUNTY MINING, INC
S502095	9/17/2001 14:27:00	PUT OFF SHOT AT 1:00 PM. KNOCKED OUT POWER ALONG DOG HOLLOW ROAD. ROLLED ONE ROCK AS BIG AS A 4 WHEELER AND ONE ROCK THE SIZE OF A VAN INTO COUNTRY ROAD.	HOBET MINING INC
S502095	11/5/2001 13:56:00	RESIDENT PHONED DEB. LOUD BLAST 11/5/01 1340 HRS. REQUESTING SEISMOGRAPH AT HIS RESIDENCE. WHEN CONTACTED HE STATED THAT HE ORDINARILY DIDN'T COMPLAIN ABOUT BLASTS BUT WAS CONCERNED FOR HIS WELL.	HOBET MINING INC
S502095	12/13/2001 19:30:00	BAD BLAST ON 12/13/01 AT 3:30 PM. LOUDEST BLAST SINCE BLASTING NEAR WALLS HOME.	HOBET MINING INC
S502095	1/9/2002 19:50:00	HARD BLAST AT ABOUT 3:30 SHOOK OVERHEAD LIGHT IN LIVING ROOM.	HOBET MINING INC
S502097	9/12/2001 14:30:26	DUST IS NOT BEING CONTROLLED BY THE COMPANY	WHITE FLAME ENERGY INC

15 of 27

S502097	10/18/2001 10:15:59	WELL IS DRY. SHE HAD COMPLIANCE MONITORING TEST HER WATER. SHE HAS 2 WELLS AND A NATURAL SPRING AND THERE ISN'T ANYTHING SEEPING FROM THE SPRING AND THE WELL IS DRY.	WHITE FLAME ENERGY INC
S502097	10/26/2001 10:24:01	WELL HAS BEEN DRY FOR ABOUT A MONTH. SHE HAD NOT CALLED BEFORE NOW BECAUSE THEY THOUGHT IT MIGHT RECHARGE BUT IT HASN'T.	WHITE FLAME ENERGY INC
S502097	11/2/2001 11:35:16	INCIDENT REPORT STATED THAT GEORGE MAYHEW CALLED IN COMPLAINT AS A REPRESENTATIVE FOR VERNON EDWARDS ALLEGING A DUST PROBLEM AROUND 10:10 AT FOOT OF RAGLAND MOUNTAIN.	WHITE FLAME ENERGY INC
S502097	11/15/2001 12:45:32	DUST IS TERRIBLE FROM TRUCKS TRAVELLING ON MYSTERY MOUNTAIN.	WHITE FLAME ENERGY INC
S502097	11/27/2001 08:42:44	DUST FROM BLASTING IS COVERING HOUSES, CARS AND LAWN FURNITURE.	WHITE FLAME ENERGY INC
S502097	11/27/2001 12:02:31	DUST FROM BLASTING IS SO BAD THEY CAN'T SIT OUTSIDE THEIR HOUSE.	WHITE FLAME ENERGY INC
S502096	7/12/2001 06:25:00	Concerned about blasting heard 7/11/01 at 16:05. Advised by CHMW to call DEP office. (Complaint forwarded to Watch DEP by Oak Hill office)	INDEPENDENCE COAL COMPANY, INC.
S502096	8/17/2001 16:25:26	HER SON FELT A BLAST AT THE MARSH FORK ELEMENTARY SCHOOL AROUND 12 NOON TODAY (8-17-01). HE THOUGHT IT WAS A BOMB EXPLODING.	INDEPENDENCE COAL COMPANY, INC.
S502096	12/4/2001 11:00:18	BLAST ON SATURDAY 12-1-01 AT 1515 SHOOK HIS HOUSE. MR BRADFORD SAW THE SMOKE FROM THE BLAST AND COULD TASTE IT.	INDEPENDENCE COAL COMPANY, INC.
S502096	12/17/2001 15:44:22	BLASTING ON 12-17-01 AT 1636 AND 1638 SHOOK HOUSE.	INDEPENDENCE COAL COMPANY, INC.
S502096	12/18/2001 08:10:33	LOUD BLASTING. HOME SHOWING CRACKS IN CEILING AND WALLS. SHE BELIEVES CAUSED BY BLASTING. SHE HAS NOT RECEIVED A CALL FROM THE INSPECTOR. THE OAK HILL OFFICE SAID HE WOULD CONTACT HER FROM COMPLAINT ON 11-2-01.	INDEPENDENCE COAL COMPANY, INC.
S502096	12/19/2001 15:21:01	BLASTS ON 12-17-01 @ 1612 & 1637 - 12-19 2 OR 3 BLASTS. SECOND BLAST LOUDER AND MORE VIBRATION. NOTICED CRACKING IN DINING ROOM/FLOIDIA ROOM. STATED HE HAS PREVIOUSLY HAD 2 BROKEN WINDOWS REPLACED. DOESN'T KNOW IF IT WAS CAUSED BY BLASTING OR NOT. SHOT ON 12-17-01 BETWEEN 1400 AND 1600. MR. PETTRI	INDEPENDENCE COAL COMPANY, INC.
S502096	1/7/2002 16:25:44	BLAST ON 1-5-02 @ 1824 SHOOK THE WINDOWS IN HER HOUSE AND SHE FELT HER FEET SHAKING.	INDEPENDENCE COAL COMPANY, INC.
S502096	1-8-2002 16:29:04	BLAST ON 1/8/02 AT 4:20 PM SHOOK HER HOUSE AND KNOCKED THINGS OFF WINDOW SILL.	INDEPENDENCE COAL COMPANY, INC.
S502096	1/8/2002 19:30:37	BLAST ON 1/8/02 AT 1830 SHOOK MOBILE HOME REALLY BAD. THINGS FELL OFF COUNTERS IN HOME. "REALLY STRONG BLAST"	INDEPENDENCE COAL COMPANY, INC.
S502096	1/8/2002 19:35:16	BLAST AT APPROXIMATELY 1825 ON 1/8/02 RATTLED WINDOWS, KNOCKED THINGS OFF OF WALLS & CRACKED DRYWALL.	INDEPENDENCE COAL COMPANY, INC.
S502096	1/10/2002 15:26:53	ON 1/10/02 AT 1109 A BLAST SHOOK HER HOME; WINDOWS BROKEN, HOUSE BEING TORN APART. THIS BLAST BROKE GLASS TABLE PART OF TV STAND.	INDEPENDENCE COAL COMPANY, INC.
S502096	1/10/2002 16:15:40	LARGE BLAST ON 1/10/02 AT 1610 SIMILAR TO SHOT COMPLAINED ABOUT ON 1/8/02.	INDEPENDENCE COAL COMPANY, INC.
S502096	1/10/2002 16:23:32	BLAST ON 1/10/02 @ 1810. SIMILAR TO ONE ON 1/8/02. THINGS KNOCKED OVER.	INDEPENDENCE COAL COMPANY, INC.
S502096	1/14/2002 15:30:25	THIS BLASTING COMPLAINT WAS FORWARDED TO LOGAN OFFICE FROM MIKE FUREY FROM DEP OAK HILL OFFICE. COMPLAINT INDICATED 15 SHOTS SHOOK HER HOUSE.	INDEPENDENCE COAL COMPANY, INC.
S502096	1/17/2002 10:42:11	BLASTING ON 1/16/02 @ 10:30 AM SHOOK HOUSE.	INDEPENDENCE COAL COMPANY, INC.
S502096	1/22/2002 16:10:02	BLASTING ON 1-19-02 @ 1329, HOUSE SHOOK AND THEY FELT IT IN THEIR FEET.	INDEPENDENCE COAL COMPANY, INC.
S502096	1/23/2002 16:30:36	BLASTING ON 1-23-02 @ 1806 LASTED 3 TO 4 SECONDS.	INDEPENDENCE COAL COMPANY, INC.
S502096	10/11/2001 14:46:03	COMPLAINT FILED PREVIOUSLY; THIS WAS A FOLLOW UP INSPECTION ON WHETHER THE PRE-BLAST SURVEY SHOULD HAVE BEEN COMPLETED.	MARROWBONE DEVELOPMENT CO
S506096	7/25/2001 14:37:56	Blasting at 14:35 shook entire house... shook clock off the wall.	PEN COAL CORP
S502096	8/4/2001 11:54:10	2 complaints: (8-4-01 - 11:54) "house shook and water came gushing down creek, well gone dry." (2) Blast shook house.	PEN COAL CORP

S502096	8/9/2001 14:29:00	BLAST SHOOK HOUSE ("VIBRATED FOR 5 MINUTES") ("FELT LIKE AN EARTHQUAKE") NO DAMAGE NOTED FROM THIS BLAST. SHOT WAS FIRED ON 8/9/01 AT 14:29.	PEN COAL CORP
S502096	8/9/2001 14:30:00	"WHOLE HOUSE SHOOK" AFTER BLAST WAS FIRED.	PEN COAL CORP
S502096	10/22/2001 14/04:00	SMOKE & BURNING LEAVES FROM FOREST FIRE ALLEGEDLY STARTED BY PERMITTEE IS COVERING HIS HOUSE AND CAUSING HIM AND FAMILY BREATHING PROBLEMS.	PEN COAL CORP
S502096	10/24/2001 14:10:00	BLASTING FROM PEN COAL IS "TEARING UP HOME" AND CAUSING "DAMAGE TO (HIS) WELL".	PEN COAL CORP
S502096	10/24/2001 14:25:00	WELL IS GOING DRY. SULFUR, IRON AND OIL IS IN WELL WATER. CITIZEN FEELS THAT BLASTING FROM PEN COAL IS CAUSING THESE PROBLEMS.	PEN COAL CORP
S502096	10/25/2001 14:25:00	CITIZEN CALLED TO VOICE CONCERN ABOUT FUTURE RESULTS OF "VERY HEAVY BLASTING" TO HIS HOME AND PROPERTY. HE STATED THAT HE COULD INCURE DAMAGE. CITIZEN LIVES APPROX. 6000 FT. FROM LAST SHOOTING ACTIVITY AND SAME DISTANCE FROM FUTURE ACTIVITY.	PEN COAL CORP
S502096	10/30/2001 13:52:00	CITIZEN STATES THAT DAMAGE WAS DONE TO THE "CEILING. SHEET ROCK BLOCK AROUND HOUSE." ALSO, DOOR TO HOUSE IS "DRAGGING WHEN YOU SHUT IT". CITIZEN LIVES APPROX. 3000 FT. FROM LAST SHOOTING ACTIVITY AND APPROX. 3500 FT. FROM FUTURE ACTIVITY.	PEN COAL CORP
S502096	11/5/2001 16:09:00	"BLAST SHOOK WHOLE HOUSE". BLAST WAS AT 16:09 ON 11/5/01. CHECK OF LOG SHOWS SHOT IN COMPLIANCE.	PEN COAL CORP
S502096	11/29/2001 10:22:00	SHOT SHOOK WHOLE HOUSE.	PEN COAL CORP
S502096	8/16/2001 21:30:26	MUDDY MURKY WATER IN FREEZE FORK - NOT BLACK, BUT LIKE A MINE PIT WAS OPENED UP - LOOKED AT GEORGE'S CREEK. IT'S CLEAR.	HIGHLAND MINING COMPANY
S502096	8/25/2001 10:59:15	RETURNED CALL TO UPDATE MR. ALTIZER ON FINDINGS OF COMPLAINT 8-16-01. MRS. ALTIZER SAID HER GRANDDAUGHTER FOUND DEAD MINNOWS IN DINGESS RUN NEAR OLD STONE CHURCH ON 8-17-01. BELIEVES THE FISH WERE KILLED BY THE PIT WATER DISCHARGE FROM FREEZE FORK ON 8-1	HIGHLAND MINING COMPANY
S503097	12/28/2001 15:56:00	BLASTING ON THE FOLLOWING DATES & TIMES SHOOK ENTIRE HOUSE & RATTLED THE WINDOWS: 12/28/01 1555, 12/28/01 1629 AND 1/2/02 1628. RECEIVED ADDITIONAL COMPLAINT ON 1/7/02 FOR A BLAST ON 1/7/02 AT 1541.	ASSET MANAGEMENT GROUP INC
S503185	12/28/2001 15:56:00	BLASTING ON THE FOLLOWING DATES & TIMES SHOOK ENTIRE HOUSE & RATTLED THE WINDOWS: 12/28/01 1555, 12/28/01 1629 AND 1/2/02 1628. RECEIVED ADDITIONAL COMPLAINT ON 1/7/02 FOR A BLAST ON 1/7/02 AT 1541.	INDEPENDENCE COAL COMPANY, INC.
S503198	8/10/2001 13:00:34	MR. VARNEY SAYS HIS PUMPHOUSE IS CRACKED (DAMAGED) ALONG WITH HIS WATER QUALITY. WATER IS MUDDY. HAS BOUGHT NEW HOT WATER HEATER. IS HOOKED UP ON PUBLIC WATER. LANTZ RANKIN CAME TO COLLECT WATER SAMPLE AROUND AUG. 1. RESIDENT SAYS HE ONLY WANTS DAMAGES T	LITTLE BOYD COAL CO., INC.
S504186	8/27/2001 16:30:54	Citizen complains of an excessively hard blast at approximately 3:25 p.m. on 8/27.	ALEX ENERGY, INC.
S504188	9/5/2001 06:15:41	CITIZEN WAS EMPLOYEE OF REGIONAL JAIL AT GASTON CAPERTON DRIVE. STATED THAT COAL TRUCKS WERE TRACKING DIRT & SEDIMENTATION ONTO GASTON CAPERTON DRIVE. THIS WAS HAPPENING IN THE SWITCHBACK WHERE COAL TRUCKS WERE LEAVING THE REFUSE AREA.	ALEX ENERGY, INC.
S504188	8/14/2001 14:28:22	BLAST TODAY 2:20 TO 2:25 P.M. SHOOK HOME EXCESSIVELY.	ALEX ENERGY, INC.
S504188	8/16/2001 15:59:18	VERY BAD BLAST AT 2:07 P.M. 8-16-01.	ALEX ENERGY, INC.
S505389	10/17/2001 13:40:17	BLASTING DAMAGE TO HOME & PROPERTY. NO TIME OR DATES OF BLASTS GIVEN. STARTED ABOUT ONE YEAR AGO. HAD SURVEY DONE BY COMPANY. "RECEIVED COMPLAINT FROM BEVERLY ROEHER ON 10-22-01. "REFERRED FROM OEB 10-17-01.	ALEX ENERGY, INC.
S505389	10/18/2001 13:29:37	BLAST AT 1:10 - 1:15 SHOOK GROUND & IS AFRAID OF IMPACT TO WELL. LIVES IN COVE GAP BESIDE HORN HALL. "RECEIVED COMPLAINT FROM M. McDONALD 10-22-01 8:00 A.M. FOLLOW UP BY L T PACK 01-03-2002	ALEX ENERGY, INC.
S505389	11/1/2001 11:14:28	BLASTING ON OR ABOUT 11-01-01 @ 6:15 A.M. DAMAGED HOME AND IMPACTED WELL. COMPLAINT RECEIVED FROM STAFF 11-5-01. FOLLOW UP BY L T PACK ON 01-03-2002 TO TERMINATE	ALEX ENERGY, INC.

S505390	11/28/2001 18:13:26	ADDENDUM TO COMPLAINT PREVIOUSLY REFERRED TO OFFICE OF EXPLOSIVES AND BLASTING. MR HALL REPORTS WELL IS GOING DRY AND NOW CAN RUN PUMP NO LONGER THEN 15-20 MINUTES WITHOUT LOSING WATER.	ALEX ENERGY, INC.
S505390	11/28/2001 16:21:52	ADDENDUM TO COMPLAINT PREVIOUSLY REFERRED TO OFFICE OF EXPLOSIVES AND BLASTING. MR RUNYON REPORTS WELL IS GOING DRY.	ALEX ENERGY, INC.
S505390	12/4/2001 12:00:06	MR RUNYON CONTACTED WUDEP ABOUT BLASTING ON THE FOLLOWING DATES: 10/19/01; 11/2/01, 11/28/01, 12/3/01. THIS MR-35 DOCUMENTS THESE CALLS.	ALEX ENERGY, INC.
S505390	12/4/2001 12:00:54	FOLLOW UP BY L T PACK ON 01-03-2002 TO TERMINATE MR. HALL CONTACTED WUDEP ABOUT BLASTING ON THE FOLLOWING DATES: 10/18, 25, 24, 21, 2001 - 11/18, 28, 26, 2001 AND 12/3/2001. THIS MR-35 DOCUMENTS THESE CALLS.	ALEX ENERGY, INC.
S505390	1/10/2002 15:10:46	BLAST SHOOK HOUSE VERY HARD. BLASTING DIRECTLY BEHIND HOME, CRACKS ARE BIGGER, LIVE BESIDE	ALEX ENERGY, INC.
S505390	1/28/2002 14:00:13	BLASTING DAMAGES TO HOUSE. THIS IS CONTINUATION OF EXISTING COMPLAINT.	ALEX ENERGY, INC.
S505390	1/28/2002 14:00:52	BLASTING DAMAGING HIS HOME. THIS IS CONTINUATION OF EXISTING COMPLAINT.	ALEX ENERGY, INC.
S505450	8/31/2001 18:10:42	VERY HARD BLAST AT 4:00 P.M., STORM DOOR OPENED, WILD & CRAZY BLASTING.	ALEX ENERGY, INC.
S505489	9/0/2001 10:43:07	BAD BLAST AT 10:40 A.M. TODAY 9-0-01, OEB INSPECTORS WERE AT HIS HOUSE AND HAD GONE ON THE JOB ABOUT 36 MINUTES EARLIER.	ALEX ENERGY, INC.
S505490	9/24/2001 16:05:30	VERY BAD BLAST AT 4:00 P.M., 9-24-01.	ALEX ENERGY, INC.
S505489	9/25/2001 12:02:25	HARD BLAST AT 12:01 P.M. TODAY.	ALEX ENERGY, INC.
S505702	10/3/2001 06:50:00	BLASTING RATTLED WINDOWS & SHOOK HOUSE.	ELK RUN COAL COMPANY, INC.
S505792	10/3/2001 06:51:09	BLASTING KNOCKED AN ORNAMENT OFF THE WALL. BLAST HAVE BEEN GETTING STRONGER THE LAST COUPLE OF WEEKS.	ELK RUN COAL COMPANY, INC.
S505792	1/18/2002 10:00:00	BLASTING SHAKING HOUSE & WINDOWS.	ELK RUN COAL COMPANY, INC.
S505899	12/5/2001 15:20:00	DUST BAD IN COMMUNITY.	INDEPENDENCE COAL COMPANY, INC.
S507866	12/8/2001 08:09:04	CITIZEN LIVES NEAR LOWE CEMETERY ON RUM CREEK AND DUST IS THE WORST HE HAS EVER SEEN. SAYS HE CANT BELIEVE THAT MUCH DUST COULD BE LEGAL.	APOGEE COAL CO DBA ARCH OF WEST VIRGINIA, INC.
S508406	10/23/2001 09:05:40	JOE MAYNARD CALLED FOR PAUL AND ALLICE NEECE. WATER GET MUDDY AFTER BLASTING. CITIZEN PROVIDED A ONE GALLON SAMPLE OF WATER FROM THE WELL THAT WAS MUDDY TO HAROLD WARD DEP SUPERVISOR. CITIZEN WILL CALL DEP WHEN WELL WATER CLEARS UP SO A PRE-BLAST SAMPL.	ALEX ENERGY, INC.
S508989	7/17/2001 12:37:44	Mr. Wagner called John Vernon at home after work hours on 7/16/01 complaining of dust from the strip mine.	APPALACHIAN MINING INC
U001583	10/5/2001 14:29:00	Built house 6 years ago. Back porch sunk about 6 inches and also places in yard.	ANKER WEST VIRGINIA MINING COMPANY, INC.
U001583	10/22/2001 14:09:00	On Patsy Stone Road, big hole near home - 200 feet from home. Typst Valley Mining or Anker Energy's Seholental Mine may be responsible.	ANKER WEST VIRGINIA MINING COMPANY, INC.
U001583	12/17/2001 15:55:00	Hole in ground under trailer has air coming from it with some pressure. Garry Coberly, Emergency Engineer with the Division of Abandoned Mine Lands and Reclamation investigated first and found the air to contain methane and to be oxygen deficient. The w	ANKER WEST VIRGINIA MINING COMPANY, INC.
U001583	1/4/2002 14:15:00	Saw attached written complaint. This complaint is directly related to a complaint received 12/17/01 concerning methane gas venting from a water well under Mr. Ocea's trailer.	ANKER WEST VIRGINIA MINING COMPANY, INC.
U001583	1/24/2002 18:10:00	Gas coming from his well. Has talked to Anker.	ANKER WEST VIRGINIA MINING COMPANY, INC.
U001933	8/4/2001 14:45:00	Diminished quantity of water in her well due to mining of Eastern Associated Coal Company's Federal #2 Mine.	EASTERN ASSOCIATED COAL CORP.
U001983	11/2/2001 09:09:00	Water loss from springs which supply drinking water as well as springs recharging farm pond and creek.	EASTERN ASSOCIATED COAL CORP.
U002063	1/16/2002 10:00:10	LIVES AT LINDYTOWN. YARD, GARAGE & HOUSE IS SETTLING & CRACKING. MAY BE SUBSIDENCE OR BLASTING, DOESNT KNOW FOR SURE WHAT IS GOING ON. HAS SEVERAL SURVEYS DONE ON RESIDENCE.	EASTERN ASSOCIATED COAL CORP.
U002063	1/24/2002 12:09:49	IS RESIDENCE DAMAGE AT HOUSE IN LINDYTOWN BASEMENT WALLS ARE CRACKED AND LEANING.	EASTERN ASSOCIATED COAL CORP.

U002090	1/09/2002 11:21:21	SUBSIDENCE CRACK OR HOLE IN DRIVEWAY NEED TO BE CHECKED. ALSO BLASTING SHAKING TRAILER. LIVES ACROSS FROM	EASTERN ASSOCIATED COAL CORP.
U002484	10/12/2001 15:00:00	Equipment on landowners property. Wondering about legal right and wanted to know what is going on.	ENERGY MARKETING COMPANY, INC.
U002584	7/31/2001 08:46:00	CITIZEN FEELS THAT CRACK UNDER THEIR MOBILE HOME IS MINE RELATED AND IS EMITTING BASES WHICH MAKE THEM SICK. SYMPTOMS: NAUSEA, WEAKNESS, LIGHT HEADED, MUSCLE ACHES. DOG HAS SHOWED ALLERGEN SYMPTOMS WHEN TIED TO FRONT PORCH, DOES NOT WHEN MOVED TO BACK.	ROCKSPRING DEVELOPMENT INC
U003383	7/25/2001 12:00:00	Longwall is approaching their 340 acre farm. Previous panel adjacent to McCards property allegedly caused loss of spring. Permittee has replaced spring. Citizen wants statement from permittee or DEP as to the cause of water loss. Also there is contro	MCCELROY COAL COMPANY
U003383	6/8/2001 12:09:00	Not properly notified of mining under her property where she lives and also C. E. Newton property which she purchased. Also, claims no offer of compensation for subsidence damage to barn from company.	MCCELROY COAL COMPANY
U003383	8/21/2001 14:00:00	Water loss to three springs and one cased well on property purchased from C. E. Newton. Requests mining date information for father's property (George Koonitz) and also requested review of information concerning streams. Upper Bowman Creek and Middle Bow	MCCELROY COAL COMPANY
U003383	10/5/2001 13:30:00	Stated that previous repairs to surface lands had left a couple of areas where cracking was still visible. One area above camping trailer and one area in second field. Also, believes that water drinker system are inadequate because of freezing up sever	MCCELROY COAL COMPANY
U003383	11/12/2001 09:09:00	Claims additional surface lands need repaired from subsidence damage. These areas were not looked at under original 04/25/91 investigation on June of 2000. Supervisory review for Governor's office.	MCCELROY COAL COMPANY
U003383	1/2/2002 06:00:00	Subsidence related water loss to residence. Also impact to springs used for domestic and agricultural use. Potential impact to farm pond and surface lands. Structural damages to residence.	MCCELROY COAL COMPANY
U003583	1/24/2002 12:00:00	Water loss replacement at barn is not adequate.	MCCELROY COAL COMPANY
U005583	8/30/2001 10:15:08	RESIDENT IS NOW CONNECTED TO PUBLIC WATER FROM CHATTANOOGA. RESIDENT IS SATISFIED WITH WATER.	RAWL SALES & PROCESSING CO
U005683	8/30/2001 11:00:57	NO COMPLAINT	RAWL SALES & PROCESSING CO
U005683	9/29/2001 11:25:10	NO COMPLAINT/ CALLED RESIDENT TO CLOSE COMPLAINT	RAWL SALES & PROCESSING CO
U005683	8/25/2001 11:30:34	NO COMPLAINT	RAWL SALES & PROCESSING CO
U005683	9/20/2001 11:40:49	NO COMPLAINT	RAWL SALES & PROCESSING CO
U005683	8/20/2001 11:48:58	NO COMPLAINT	RAWL SALES & PROCESSING CO
U005683	8/23/2001 13:07:31	NO COMPLAINT	RAWL SALES & PROCESSING CO
U005683	8/29/2001 13:15:16	No complaint	RAWL SALES & PROCESSING CO
U005683	8/30/2001 13:22:34	No complaint.	RAWL SALES & PROCESSING CO
U007093	8/14/2001 13:59:00	Received complaint via DEP Environmental Advocate's Office - Brent Wiles received original call. Citizen is concerned about the proposed land-use change from "pasture" to "light industry" at the Hagen's Shalt. He is inquiring as to the type of industry.	CONSOLIDATION COAL COMPANY
U007283	8/19/2001 14:09:00	Worried about possible contamination of water well by the Old Bethlehem mine. Water contains iron and is very hard.	ENERGY MARKETING COMPANY, INC.
U007584	3/25/2001 11:27:40	Dust and mud on county road.	NEWHALL POCAHONTAS ENERGY, LLC
U007584	3/28/2001 13:00:00	Coal company constructing haulroad along county road of intersection of RT 16 and dust from RT 16.	NEWHALL POCAHONTAS ENERGY, LLC
U007584	10/11/2001 15:00:00	Dust from loadout site.	NEWHALL POCAHONTAS ENERGY, LLC
U007584	10/11/2001 15:01:01	Dust from loadout site.	NEWHALL POCAHONTAS ENERGY, LLC
U007584	1/4/2002 13:29:00	Dust from county road.	NEWHALL POCAHONTAS ENERGY, LLC

[illegible]

U400587	1/11/2002 17:59:00	The citizen stated that Brodshaw Creek was black and it had a strange smell.	EASTERN ENERGY CORP
U400587	10/1/2001 09:00:00	Mr. Gross stated that his water had turned murky or black on 9/25/01 and 10/1/01. He was wanting to know if mining activities from Baystar Coal Co's deep mine or exploration work could be causing problems with his well.	BAYSTAR COAL COMPANY, INC
U400591	11/27/2001 17:00:00	Truck Drivers destroying property, bus stop, etc. Child was in bus stop building when truck driver ran into it.	CARETTA MINING INC
U400595	10/25/2001 10:55:00	Mine crack behind house.	HEARDON PROCESSING COMPANY
U400595	1/4/2002 15:30:00	Complainant states that he has noticed a decrease in his water since October of 2001.	HEARDON PROCESSING COMPANY
U401194	7/21/2001 15:10:00	Sudden rush of water in Drawn Creek suspects connection with mining upstream.	EASTERN ASSOCIATED COAL CORP.
U401196	10/10/2001 14:00:00	Well has gone dry and believes Doud Cline Rock N Roll Coal has sunk her well. Well was drilled 80 feet deep in 1998 and had plenty of water. Burnt up one pump and replaced it in July 2001. She began having trouble in November of 2000.	MYRTLE D CORP
U401196	12/27/2001 10:30:00	Would like to know if Myrtle D operator Rock N Roll Coal Company is mining close to their residence. They have left rumbling and their house shakes at times. Is Rock N Roll planning to advance their mining into Brook Fork?	MYRTLE D CORP
U402195	12/21/2001 11:30:00	Citizen complained of feeling vibrations shaking his residence at various times recently.	RIVERSIDE ENERGY INC
U402199	7/18/2001 13:00:00	Mr. Stover alleges that his house was damaged from blasting that occurred during the construction of Guyandotte Pools/Hotels Inc. Permit # U-4021-99 deep mine site.	CREEKSIDE ENERGY DEVELOPMENT COMPANY
U402199	8/27/2001 05:00:00	Complainant states that burning wood and debris earlier in the morning. The company was required by MSHA to remove wood and debris from stream channel to properly dispose of.	CREEKSIDE ENERGY DEVELOPMENT COMPANY
U402199	6/5/2001 16:16:00	Complainant states that burning has been going on all week-end at Holchibice. Smoke is thick. Huge fire.	CREEKSIDE ENERGY DEVELOPMENT COMPANY
U402199	11/13/2001 09:00:00	Complainant states that a local resident in the community is taking rocks, material, etc. from a nearby stream that has been dredged and dumped up along the banks due to recent flooding.	CREEKSIDE ENERGY DEVELOPMENT COMPANY
U402199	11/20/2001 14:20:00	The coal mine in Holchibice is covering the whole town with dust.	CREEKSIDE ENERGY DEVELOPMENT COMPANY
U402199	12/18/2001 12:30:00	Complainant states that dust becomes mud when it rains in Holchibice.	CREEKSIDE ENERGY DEVELOPMENT COMPANY
U402558	8/2/2001 13:45:00	Fixed dusty - need to run water truck.	BLACK WOLF MINING COMPANY
U402559	8/10/2001 15:00:00	Ten Day Notice from OSHA. (1) The company has failed to effectively follow the approved fugitive dust control plan that protects off site areas. (2) The company failed to protect the hydrologic balance to offset areas from sedimentation to streams below.	BLACK WOLF MINING COMPANY
U402559	8/15/2001 10:00:00	County road dust at #7 and #8 intersection of Gray.	BLACK WOLF MINING COMPANY
U402559	9/26/2001 11:10:00	County road very dusty.	BLACK WOLF MINING COMPANY
U402559	10/10/2001 14:01:00	Road in front of home is dirty and mud being loaded from Black Wolf Mine.	BLACK WOLF MINING COMPANY
U402559	10/23/2001 10:25:00	(1) Dust from coal trucks very bad. need truck wash #2 area. (2) Top mine has mud holes where banded road meets Rt 13. Need asphalt or concrete over holes. (3) maintain at Top Gun stockpile. Will not control coal dust with wind blowing.	BLACK WOLF MINING COMPANY
U402559	12/14/2001 10:10:00	Dust on county road.	BLACK WOLF MINING COMPANY
U402559	12/14/2001 14:40:00	Dust from coal trucks on county road.	BLACK WOLF MINING COMPANY
U402559	12/17/2001 11:00:00	Dirt on county road.	BLACK WOLF MINING COMPANY
U402559	1/14/2002 10:55:00	Mud and dirt on county road from coal trucks.	BLACK WOLF MINING COMPANY
U402559	1/15/2002 11:00:00	Coal from Black Wolf (Top Gun) Mine. Curtain at stockpile to small and no water sprays on.	BLACK WOLF MINING COMPANY
U402559	2/4/2002 18:00:00	Need water truck to wash county road and trucks not washing wheels at Top Gun Mine.	BLACK WOLF MINING COMPANY
U500193	7/30/2001 19:52:01	Follow up to original complaint of discolored water coming from Little Marsh Fork. Initially investigated for permit # U-5003-93.	MARFORK COAL COMPANY, INC
U500864	8/30/2001 15:00:24	HOUSE IS GETTING DUSTY FROM COAL TRUCK TRAFFIC. SOME TRUCKS NOT TAPING. WOULD LIKE TO HAVE HOME PRESSURE WASHED.	HOBET MINING INC

U501199	12/19/2001 06:10:28	TRUCKS ARE TRACKING MUD ONTO THE HIGHWAY. TRUCKS ARE OVERLOADED AND DO NOT HAVE TAPPS.	MIN INC
U501199	12/18/2001 06:11:05	TRUCKS ARE TRACKING MUD ONTO THE HIGHWAY.	MIN INC
U501258	8/30/2001 13:36:41	DUST FROM COAL TRUCK TRAFFIC COATING VEHICLES, PORCHES AND WINDOWS. NO WATER TRUCK ON ROAD FOR HOURS ON 8-28-01 OR 8-27-01.	INDEPENDENCE COAL COMPANY, INC.
U501388	10/20/2001 10:00:24	FOLLOW UP - DUST FROM COAL TRUCK TRAFFIC COATING VEHICLES, PORCHES AND WINDOWS. NO WATER TRUCK ON ROAD FOR HOURS ON 8-28-01 OR 8-27-01.	EASTERN ASSOCIATED COAL CORP.
U501388	10/29/2001 18:00:04	WILLIAMS MTN ROAD - WV STATE RT 5 CRACKED BY LONGWALL SUBSIDENCE BY PULLING PANEL UNDER ROAD. ROAD IS IN VERY HAZARDOUS CONDITION. SCHOOL BUSES WITH CHILDREN ARE IN JEOPARDY.	EASTERN ASSOCIATED COAL CORP.
U501388	11/1/2001 08:30:25	WV STATE RT 5 HAS SETTLED AGAIN AND CRACKS HAVE RE-OPENED MAKING ROAD HAZARDOUS TO PUBLIC. MR. STEWART VERY CONCERNED ABOUT SAFETY OF RESIDENTS & CHILDREN. MR STEWART REQUESTED COPIES OF PERMIT & OTHER RELATED DOCUMENTS.	EASTERN ASSOCIATED COAL CORP.
U501391	6/1/2001 14:35:24	Well is sunk. Mining by Mingo Logan Coal Company.	MINGO LOGAN COAL COMPANY
U501391	9/20/2001 16:30:28	WELL IS DRY. COULD SOMEONE CHECK IT FOR HER.	MINGO LOGAN COAL COMPANY
U501391	12/10/2001 12:10:53	THE WELL HAS GONE COMPLETELY DRY. THERE IS JUST MUD IN IT NOW. HAS BEEN GOING DRY FOR ABOUT TWO MONTHS NOW. ALSO, THERE IS A MINE BREAK BEHIND THE HOUSE.	MINGO LOGAN COAL COMPANY
U501388	9/12/2001 06:09:05	COMPLAINANT ALLEGES THAT HE IS PART OWNER OF PEARL THOMPSON WATER WELL. WELL WAS SUNK AND MR. THOMPSON COMPENSATED FOR LOSS. COMPLAINANT ALLEGES HE IS ALSO OWED COMPENSATION FOR LOSS. THIS WAS DISCUSSED IN DETAIL ON PHONE WITH MR. STEWART ON 8-16-01. IT W	INDEPENDENCE COAL COMPANY, INC.
U501398	12/14/2001 11:35:46	ANONYMOUS COMPLAINT FILED AS MSHA AT UNEEDA OF TRACKING AT ROBINSON CREEK, PHONED IN BY MSHA SUPERVISOR TERRY PRICE.	INDEPENDENCE COAL COMPANY, INC.
U501398	1/20/2002 11:00:50	SUBSIDENCE CRACKS ON RIDGE BETWEEN RUFFYS BR. AND DOLANS FORK OF WHITE'S BR.	INDEPENDENCE COAL COMPANY, INC.
U501593	10/3/2001 08:10:25	WHITE SUBSTANCE IN CREEK AT STOLLINGS	RUM CREEK COAL SALES INC
U501593	8/11/2001 09:00:28	CITIZEN INITIALLY EXPERIENCED PROBLEM WITH WATER QUALITY IN FEB. OF THIS YEAR ACCORDING TO MRS. COLEGROVE. DELBARTON MINING PROVIDED WATER FILTER SYSTEM FOR THE RESIDENCE. ON SAT. 8-9-01, WELL WENT COMPLETELY DRY. CITIZEN CONTACTED DELBARTON AND COMPANY.	DELBARTON MINING COMPANY
U501998	6/12/2001 10:09:57	NOT RECEIVING DRINKING WATER FROM DELBARTON SINCE TREATMENT TANKS INSTALLED. NOW RECEIVING DRINKING WATER. DELBARTON PROVIDED WELL TREATMENT. HAS CRACKING TO FOUNDATION OF PUMP HOUSE AND FRONT OF RESIDENCE. CITIZEN HAS SEVERAL QUESTIONS ABOUT OPERATIONS.	DELBARTON MINING COMPANY
U501998	8/14/2001 11:53:54	EAST KY WATER CO. PUMPED MUDDY WATER OUT OF CREEK INTO HER POOL. ALSO YARD HAS NOT BEEN REPAIRED.	DELBARTON MINING COMPANY
U501998	6/22/2001 21:45:00	WATER TANKS ARE EMPTY. CALLED EAST KY WATER CO. 3 TIMES TODAY TO BRING WATER. NO WATER DELIVERED.	DELBARTON MINING COMPANY
U501998	8/28/2001 10:50:08	WATER IN WELL IS MUDDY. LIVES LEFT HAND FORK OF DUNCAN FORK. CITIZEN HAS HAD SAMPLES TAKEN IN THE PAST. MR. VANCE STATED HE WON'T BELIEVE WHAT WE TELL HIM, BUT WANTS SAMPLE ON RECORD.	DELBARTON MINING COMPANY
U501999	9/26/2001 10:50:44	FOLLOW UP 12-18-01 BY JOHN FLESHER - THIS COMPLAINT WAS MADE BY ROLAND VANCE SR. MADE THE INITIAL COMPLAINT FOR ROLAND VANCE JR.	DELBARTON MINING COMPANY

U501990	6/26/2001 12:45:12	WATER GOT MUDDY ABOUT 4 WEEKS AGO, THEN CLEARED UP. WANTS WATER TESTED. CREEK WAS MUDDY YESTERDAY. RIGHT FORK OF OOTEN FORD. WELL 20 FEET DEEP, GOOD WATER AS GOOD AS BOTTLED WATER, HAND DUX WELL. CREEK AFFECTED AT LEAST A YEAR. WELL AT LEAST 65 YEARS OLD.	DELBARTON MINING COMPANY
U501995	6/27/2001 11:14:38	PROBLEM WITH WELL - TRIED TO CALL DEP ON SATURDAY - TURNED PUMP OFF FOR 45 MINUTES, THEN HAD WATER. WELL 280 FT. DEEP. LIVES LOWER SHEPPARTOWN RD., LEFT AND CROSS CREEK (BLOCK GARAGE).	DELBARTON MINING COMPANY
U501999	6/27/2001 11:30:26	COMPANY CUT A ROAD ON THE HILL, RIGHT FORK OF OOTEN FORD, PURE MUD THE LAST 2 TIMES IT RAINED.	DELBARTON MINING COMPANY
U501998	6/27/2001 11:48:58	WELL IS ALMOST DRY - VERY LITTLE WATER. WANTS DEP TO MAKE DETERMINATION - DID MINING IMPACT HER WELL? MS. DEMPSEY CALLED AGAIN 6-29-01 - WANTS AN ANSWER, HAS NICK SCHAEER DECIDED? 11-27-01 WELL WATER QUALITY (RED COLOR AND BLACK PARTICLES) AND QUANTITY.	DELBARTON MINING COMPANY
U501996	6/27/2001 14:00:48	WELL GOING DRY THE LAST 3 OR 4 WEEKS. WATER IS RED AND SMELLS BAD. WELL IS 80 - 90 FEET DEEP. DRILLED DEC. 1990. HAS WATER TREATMENT SYSTEM. LOWER SHEPPARTOWN ROAD.	DELBARTON MINING COMPANY
U501990	7/2/2001 12:20:05	BABY BREAKING OUT, WANTS WATER TESTED, DRIVERS NOT ADDING ANYTHING IN TANKS. NEW DRIVERS.	DELBARTON MINING COMPANY
U501995	7/2/2001 13:30:35	2 TANKS IN FRONIE BLANKENSHIP'S YARD SERVE 4 HOMES. TANKS EMPTY SINCE NOON, CALLED MIKE SMITH AT 1915 HRS. NO WATER DELIVERED.	DELBARTON MINING COMPANY
U501995	7/3/2001 17:10:57	ALWAYS HAD GOOD WATER. LAST COUPLE OF WEEKS WATER HAS SLIGHT DISCOLORATION. WELL 96 FT. DEEP, ABOUT 15 YRS. OLD. ACROSS FOUR-LANE (119) FROM TIC TOG TIRE CO., BACK ON HILL 4 HOUSES IN.	DELBARTON MINING COMPANY
U501996	7/10/2001 08:00:00	MR. ELKINS WANTED TO HAVE HIS WELL WATER CHECKED.	DELBARTON MINING COMPANY
U501995	7/13/2001 05:40:52	MR. HINKLE REPORTED HAVING WATER PROBLEMS, BUT NOT DRY. HAROLD WARD SPOKE WITH KRISSEY ON 7-12 & 7-13 COMPLAINT IS CHANGE IN QUALITY NOT QUANTITY. 08/20/01 WANTS WATER RE-TESTED. IRON WAS 2.4 NOW 20. FOLLOW UP 12-6-01 BY JOHN FLESHER - QUALITY OF WELL.	DELBARTON MINING COMPANY
U501996	7/19/2001 15:19:19	WANTS WATER TESTED, TEST BY EAST KY WATER FOUND BACTERIA. 2 HOUSES ACROSS CREEK FROM UPPER SHEPPARTOWN RD.	DELBARTON MINING COMPANY
U501996	7/16/2001 09:04:32	WATER TANK ALMOST EMPTY - HAS NOT BEEN FILLED SINCE WED. 7-11-01. SAME TANK AS ANDREW AND JUDY TAYLOR.	DELBARTON MINING COMPANY
U501995	7/16/2001 09:23:51	NO WATER - HASN'T BEEN FILLED SINCE WED. 7-11-01. NO WATER SINCE 0900 THIS MORNING.	DELBARTON MINING COMPANY
U501998	7/17/2001 11:09:41	RESIDENT STATED SPRING (DUG OUT) HAS BEEN LOSING RECHARGE. WANTS WATER TESTED, STATED SPRING HAS BEEN PROVIDING WATER SINCE HE WAS A CHILD. FOLLOW UP 12-20-01 BY JOHN FLESHER - SPRING HAS BEEN LOSING RECHARGE. WANTS WATER TESTED.	DELBARTON MINING COMPANY
U501998	7/16/2001 11:40:56	RESIDENT SAYS WATER HAS A BAD ODOR WHILE ALSO STAINING TOILET/BATH TUB SURFACES ORANGE. THERE ARE 2 TRAILERS ON THIS WELL (JAMES & KITZI GILLMAN) - SECOND PLACE ON RIGHT ABOVE BETTY GILLMAN BEFORE KARA LANE TURN-OFF. FOLLOW UP 12-28-01 BY JOHN FLESHER - W.	DELBARTON MINING COMPANY
U501996	7/20/2001 11:19:31	WANTS WATER CHECKED, BLACK PARTICLES & BAD ODOR IN WELL WATER. FOLLOW UP 12-19-01 BY JOHN FLESHER - WELL WATER HAS A BAD ODOR AND BLACK PARTICLES.	DELBARTON MINING COMPANY
U501998	7/23/2001 13:43:34	RESIDENT SAYS WATER HAS GASSY TASTE. GARY HATFIELD TOLD HER TO CALL DEP.	DELBARTON MINING COMPANY
U501990	7/24/2001 10:25:35	WATER HAD SULFUR SMELL - NOW HAS BLACK PARTICLES - NOT GETTING AT DRUG. WATER NOT USED MUCH. WELL DRILLER SAID TO ADD BLEACH TO KILL E. COLI. WELL DRILLED 20 FT DEEP IN 1994. DAY STAR RD. BRICK HOUSE - 4TH UP FROM RT 45 EXIT.	DELBARTON MINING COMPANY
U501995	7/25/2001 09:24:05	WATER GOT REAL RED LAST NIGHT - NO FILTER, WELL DRILLED 300 FT. DEEP IN 1989. NO ANSWER 7-25-01, 0910. KARA LANE BRENKE DANNY & JENNIFER DEMPSEY. FOLLOW UP 12-19-01 BY JOHN FLESHER - WELL WATER TURNED RED. DRILLED WELL IN 1989 200 FEET DEEP.	DELBARTON MINING COMPANY

24 of 27

U501998	7/26/2001 09:44:14	water has bad odor - sewage smell. have always bought drinking water.	DELBARTON MINING COMPANY
U501996	7/26/2001 10:09:21	WATER HAS AN ODOR SINCE APRIL OR MAY. HEALTH DEPT SAYS NOT SUITABLE FOR DRINKING. EARLY MORNING BEST TIME TO CONTACT RESIDENT. LEFT HAND FORK OF DUNCAN FORD. CLAY SIDING. GREEN SHUTTERS. BESIDE BILL DEMPSEY.	DELBARTON MINING COMPANY
U501995	7/26/2001 11:00:10	11-26-01 WELL WATER QUALITY (ODOR AND PARTIC). RESIDENT SAYS WATER HAS VERY BAD ODOR. MOTHER SAID CHILDREN GET SICK TO THEIR STOMACH WHEN DRINKING WATER. FOLLOW UP 12-19-2001 BY JOHN FLESHER - WELL WATER HAS A BAD ODOR. GOT SICK WHEN DRANK IT.	DELBARTON MINING COMPANY
U501999	7/26/2001 11:33:37	WELL 47-18 YRS. OLD. WHEN DRILLED WELL PRODUCED 18-20 GPM. DALLAS RUNYON SAMPLED WELL 34 YRS. AGO. CITIZEN NOTED ONLY MINOR PROBLEM BUT WANTED AGENCY TO KNOW ASAP. 12 MILE NORTH OF BELO ACROSS FROM DAY STAR ROAD. WATER NOT RECHARGING THE SAME - SEE.	DELBARTON MINING COMPANY
U501996	7/29/2001 11:38:06	RESIDENT SAYS WATER PRESSURE IS LOW. WELL NOT RECHARGING THE SAME WHEN USING A LOT OF WATER. ACROSS FROM DAY STAR ROAD ON HILL.	DELBARTON MINING COMPANY
U501996	7/31/2001 16:05:23	BOUGHT HOUSE IN RIFFE BR. - MAY NEED PRE-SUBSIDENCE SURVEY. PRIOR OWNER SLOAN, CHRISTOPHER - WANTS SURVEY RE-DONE DUE TO REMODELING.	DELBARTON MINING COMPANY
U501996	7/31/2001 16:45:46	WELL GOING BAD. LOW PRESSURE AT TWO RENTAL TRAILERS ABOVE BETTY GILLMAN. DRILLED 15-20 YEARS AGO. FOLLOW UP 12-19-01 BY JOHN FLESHER - WELL WATER QUANTITY AND QUALITY (BLACK) AFFECTED BY MINING.	DELBARTON MINING COMPANY
U501998	8/3/2001 13:50:57	RESIDENT IS CONCERNED ABOUT ODOR IN WATER. ALSO HAS DISCOLORATION (ORANGE) TO WATER. REQUESTED WATER SAMPLE. FOLLOW UP 12-28-01 BY JOHN FLESHER - WELL WATER HAS AN ODOR AND ORANGE COLOR.	DELBARTON MINING COMPANY
U501995	8/13/2001 09:15:50	WANTS WATER TESTED. WELL PROBLEM MAY BE JUST BEGINNING.	DELBARTON MINING COMPANY
U501996	8/13/2001 11:16:17	WELL WATER IS BAD - CAN'T DRINK IT. WANT WATER TESTED. USE SAME WELL AS KENNETH WHITED.	DELBARTON MINING COMPANY
U501996	8/13/2001 12:40:17	11-07-01 WELL WATER IS BAD AND HAS GOTTEN WORSE. CAN'T DRINK THEIR WELL WATER - SAME WELL USED BY BILLY & BETTY RUNYON - WELL DRILLED BY ISLAND CREEK COAL COMPANY FOR BATHHOUSE FOR OLD 27 MINE. 11-07-01 MRS. BETTY RUNYON WHO SHARES THE WELL WITH MR. WHITED CALLED ON 11-5-01 SAYING THE WATER HAD GOTTEN.	DELBARTON MINING COMPANY
U501996	8/16/2001 10:48:31	WATER IS DISAPPEARING FROM HIS WATER WELL. TAKES 10 MINUTES TO RECHARGE. IS 27 HOLLOW POOL LEVEL BEING DE-WATERED?	DELBARTON MINING COMPANY
U501995	8/20/2001 08:57:45	WATER GETTING LOW. NOT ENOUGH TO BACKWASH FILTERS.	DELBARTON MINING COMPANY
U501990	8/22/2001 12:55:11	WATER HAS BAD SULFUR SMELL. DRILLED 8 OR 9 YEARS AGO. PROBLEM IN LAST 1 OR 2 MONTHS. LIVES IN RIFFE BR. ABOVE CHURCH ON LEFT.	DELBARTON MINING COMPANY
U501998	8/28/2001 13:15:08	WATER STOPPED PUMPING IN HIS WELL - WANTS TO KNOW HOW TO GET DELBARTON MINING TO PROVIDE WATER. LIVES APPROX. 1 TO 1 1/2 MILES FROM RT. 119 ON RT. 65 TOWARD DELBARTON.	DELBARTON MINING COMPANY
U501996	9/5/2001 14:00:34	BLACK PARTICLES IN THE WATER IN BACK OF COMMODE. AUTOMATIC WASHER TEARS UP FROM BLACK WATER. GARY HATFIELD TOLD HER TO CALL DEP. PAULINE ETTERS OWNS WELL. 2 TRAILERS ON ONE WELL. RT 65 AT CANEY CHURCH OF CHRIST. 5TH DRIVEWAY TOWARD DELBARTON. 3 TRAILERS.	DELBARTON MINING COMPANY
U501996	9/5/2001 16:06:55	RESIDENT WANTS WATER CHECKED. LOWER SHEPPARTOWN EXT. (KENNETH HAD FATHER).	DELBARTON MINING COMPANY
U501995	9/10/2001 19:00:51	SOMETHING SHOOK SEVERAL HOMES IN OOTEN FORD 7:55 P.M. ON 9-6-01. SHOOK PICTURES OFF THE WALL AND CAUSED CRACKS IN THE WALL. MAY BE THE RUBY MINE HAD A ROOF FALL.	DELBARTON MINING COMPANY
U501996	9/11/2001 05:20:05	10/6/01 CRACKS IN WALL & CONCRETE PORCH. 11/9/01 MRS. PATLETT MENTIONED SOME OF HER P. MAY BE A BLAST OR ROOF FALL SHOOK CEILING FANS AND COMPUTER APPROX. 8:00 P.M. 9-6-01.	DELBARTON MINING COMPANY

25 of 27

U501995	9/14/2001 14:00:45	CAN'T USE WELL WATER, LAST USED IN DEC. OR JAN., INFREQUENTLY COMES HOME TO WV. BAD SMELL; CAN'T COOK WITH THIS WATER. UPPER END OF KARA LANE, OWNS SEVERAL ACRES COULD SELL LOTS BUT NOW GROUNDWATER IS DESTROYED. CAN CONTACT ROBERT SHELTON RE. SAMPLING 47	DELBARTON MINING COMPANY
U501998	9/14/2001 14:30:46	HAS HEARD THAT COMPANY IS PUMPING OUT THE 27 MINE SOMEWHERE IN THE SCARLET AREA.	DELBARTON MINING COMPANY
U501998	9/16/2001 15:20:03	MR. OOTEN HAS CEILING TILES COMING LOOSE AND SOME HAVE FALLEN IN THE BACK OF THE HOUSE AND HAD SOME WATER LINE DAMAGE HE REPAIRED. SUSPECTED CAUSE, SUBSIDENCE AND A BLAST ON 9-15-01.	DELBARTON MINING COMPANY
U501995	8/19/2001 11:50:54	water has changed - has an oily film. Green Hatfield is well owner - right at mouth of dunbar fork - 3rd house down	DELBARTON MINING COMPANY
U501995	9/21/2001 10:13:03	QUANTITY OF WELL WATER IS DECREASING. LEACH BED STOPS UP NOW AND IT DIDN'T USED TO. RESIDENT SAID MRL DOTSON WANTED TO LET SOMEONE TAKE A WATER SAMPLE BUT NOT SURE WHO HE WAS TALKING ABOUT. 1ST HOUSE ON LEFT UP HILL IN RIFTE BR.	DELBARTON MINING COMPANY
U501999	9/21/2001 10:13:57	WATER WELL REPLACEMENT. MRS. BISHOP CALLED 10-4-01 RE. NOT HEARING FROM DELBARTON MINING.	DELBARTON MINING COMPANY
U501995	8/26/2001 12:00:11	10-30-01 QUANTITY AND QUALITY OF WELL WATER DECREASING. LEACH BED NOT FUNCTIONING PROPERLY. FILM ON WATER IN COMMODO & SHOWER. COAL COMPANY SAMPLED IN 1990. DRILLED 105 FT DEEP. SAME WELL FOR 20 YRS. ON LODE. SAME EXIT OFF RT. 118 AS PAT DAVIS	DELBARTON MINING COMPANY
U501995	10/5/2001 09:30:10	CHANGE IN WATER QUALITY/QUANTITY. PARTICLES IN WATER AND VERY ODD SMELL. 10-31-01 QUANTITY AND QUALITY OF WELL WATER HAS DIMINISHED. PARTICLES IN WATER AND HAS A SMELL.	DELBARTON MINING COMPANY
U501995	10/6/2001 09:26:48	WELL WATER QUALITY AND QUANTITY	DELBARTON MINING COMPANY
U501995	10/10/2001 11:00:18	NO PROBLEMS WITH WELL. NO QUALITY OR QUANTITY WITH WELL WATER RIGHT NOW. LIVES ACROSS ROAD FROM OLD SCHOOL HOUSE.	DELBARTON MINING COMPANY
U501995	10/16/2001 15:20:44	MR. McDONALD EXPRESSED THAT HIS WATER LOSS MIGHT BE ADDRESSED SINCE HIS PREVIOUS SUPPLY WAS FROM WELL HE SHARED WITH HIS FATHER, WAYNE McDONALD SR. CITIZEN ALSO HAD NUMEROUS QUESTIONS AND CONCERNS ABOUT WATER REPLACEMENT POLICY AND OTHER PHYSICAL AND ECON	DELBARTON MINING COMPANY
U501995	10/17/2001 12:10:12	WATER QUALITY GETTING WORSE, RED AND HAS ODOR	DELBARTON MINING COMPANY
U501995	10/17/2001 15:03:17	LIVES ON GELMAN DRIVE. HAD TWO WELLS THAT ARE NOW DRY. OWNS STORE ON GELMAN DRIVE AND LEASES IT. LIVES IN HOUSE ON UPPER SIDE OF STORE. HAD BEEN HOOKED UP ON SISTER'S WELL WHO DOES NOT LIVE THERE.	DELBARTON MINING COMPANY
U501995	10/19/2001 06:45:30	THIS IS TO CORRECT A MISTAKE ON THE MR-35 DATED 7-26-01 AT 10:00 AND AN INVESTIGATION DATE OF 12-11-01. ON THE MR-35 ATTACHMENT I STATED THAT THE NEAREST MINING WAS 1800 FEET EAST OF THE DAVIS HOME WHEN IT SHOULD HAVE SAID 1800 FEET WEST.	DELBARTON MINING COMPANY
U501995	10/22/2001 05:05:27	HAS CRACKS IN CINDERBLOCKS AND DOORS ARE OFFSET. HAD STRONG VIBRATIONS ON 10-8-01 AND BELIEVES ROCKFALL FROM PILLARING SECTION WAS CAUSE.	DELBARTON MINING COMPANY
U501995	10/23/2001 11:21:01	HAS BLACK PARTICLES IN WELL AND THINKS IT MIGHT BE CAUSED BY MINING. 11/26/01 HAS BLACK PARTICLES IN WELL AND THINKS IT MIGHT BE CAUSED BY MINING.	DELBARTON MINING COMPANY
U501995	10/26/2001 10:00:02	RESIDENT COMPLAINED OF SUBSIDENCE CRACKS ON SIDEWALK AND CHIMNEY FLUME. MR DERBOARD TOLD ME THAT SIDEWALK HAS BEEN THERE APPROXIMATELY 30 YEARS AND NEVER CRACKED. HE ALSO STATED HE BUILT CHIMNEY ABOUT 15 YEARS AGO AND NEVER HAD ANY PROBLEMS WITH FLUME. 11	DELBARTON MINING COMPANY
U501995	10/30/2001 09:54:39	CHLORINE IN THE CITY WATER IS BURNING HER SKIN AND EATING HOLES IN THE CLOTHES.	DELBARTON MINING COMPANY
U501995	10/31/2001 09:30:54	WELL WATER IS BAD, HAS GOTTEN WORSE AND WOULD LIKE IT TESTED.	DELBARTON MINING COMPANY

26 of 27

U501995	10/31/2001 10:00:27	RESIDENT COMPLAINED WATER HAS A FOUL SMELL AND TASTE. BLACK PARTICLES CAN ALSO BE SEEN ACCORDING TO RESIDENT.	DELBARTON MINING COMPANY
U501995	10/31/2001 10:00:30	FOLLOW UP 12-28-01 BY JOHN FLESHER - WELL WATER HAS A BAD ODOR AND BLACK PARTICLES. COMPLAINT PHONED IN BY NEIGHBOR JANNIE DEMPSEY. MRS. DEM.	DELBARTON MINING COMPANY
U501995	11/2/2001 14:30:23	RESIDENT COMPLAINED WATER HAS A FOUL SMELL AND TASTE. BLACK PARTICLES CAN ALSO BE SEEN ACCORDING TO RESIDENT. FOLLOW UP 12-28-01 BY JOHN FLESHER - WELL WATER HAS A BAD ODOR AND BLACK PARTICLES. COMPLAINT PHONED IN BY NEIGHBOR JANNIE DEMPSEY.	DELBARTON MINING COMPANY
U501995	11/2/2001 14:30:23	INTERIOR TRIM COMING LOOSE, LAMINATED FLOOR BUCKLING. FOUNDATION CRACKED IN FRONT OF HOUSE (CINDERBLOCK) (NOTICED ABOUT A WEEK AGO. MAY BE CAUSED BY HARD SHAKING 9-8-01 AT 9:00 P.M.	DELBARTON MINING COMPANY
U501995	11/2/2001 15:16:20	10-30-01 DAMAGE TO HOUSE: POSSIBLE CAUSE ROCK FALLS CAUSING HARD SHAKING	DELBARTON MINING COMPANY
U501995	11/2/2001 12:49:01	MINING HAS TURNED WELL WATER RED.	DELBARTON MINING COMPANY
U501995	11/7/2001 12:35:50	WELL WATER QUALITY AND QUANTITY	DELBARTON MINING COMPANY
U501995	11/7/2001 12:35:50	WELL HAS WENT DRY 2-3 WEEKS AGO. NEVER WENT DRY BEFORE - HAS A WELL ON VACANT PROPERTY ACROSS THE ROAD AND WOULD LIKE IT CHECKED.	DELBARTON MINING COMPANY
U501995	11/16/2001 12:39:02	WELL WATER QUALITY HAD A BAD ODOR AND BLACK PARTICLES.	DELBARTON MINING COMPANY
U501995	11/26/2001 05:30:27	WELL WATER QUALITY AND QUANTITY	DELBARTON MINING COMPANY
U501995	11/30/2001 11:07:26	WELL WATER QUALITY AND QUANTITY	DELBARTON MINING COMPANY
U501995	12/19/2001 08:00:21	THIS IS TO CORRECT A MISTAKE ON THE MR-35 WITH A DATE OF 7-13-01 @ 8:40 AND AN INVESTIGATION DATE OF 12-6-01. ON THE MR-35 ATTACHMENT I STATED THAT MINING WAS APPROXIMATELY 3000 FEET EAST OF THE HINKLE HOME WHEN IT SHOULD HAVE SAID 3000 FEET WEST.	DELBARTON MINING COMPANY
U501995	12/19/2001 08:30:44	THIS IS TO CORRECT A MISTAKE ON THE MR-35 WITH A DATE OF 8-26-01 AT 10:50 AND AN INVESTIGATION DATE OF 12-18-01. ON THE MR-35 ATTACHMENT I STATED THAT MINING WAS APPROXIMATELY 2800 FEET EAST OF THE VANCE HOME WHEN IT SHOULD HAVE SAID 2800 FEET WEST.	DELBARTON MINING COMPANY
U501995	12/21/2001 13:30:36	WELL WENT DRY ON 12-13-01. THERE ARE TWO TRAILERS ON ONE WELL. OTHER IS LISA KISER.	DELBARTON MINING COMPANY
U502298	6/25/2001 16:00:00	FORK CREEK MINING CO. USE TO COME MONTHLY TO SAMPLE HIS WELL. COMPANY HAS NOT SAMPLED FOR LAST TWO MONTHS.	FORK CREEK MINING COMPANY
U505391	1/30/2002 10:09:38	SUBSIDENCE CRACKS ON NATURAL GROUND SURFACE ABOVE PINE RIDGE COAL TO DEEP MINE #18.	PINE RIDGE COAL CO
U506197	8/14/2001 14:27:43	Complainant alleges he observed coal slurry in Gilbert Creek.	HAMPDEN COAL CO INC.

27 of 27

Recommendations for Pre-Mine Assessment of Selenium Hazards

Associated With Coal Mining in West Virginia

prepared by

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January 5, 2004

Background on Selenium

Selenium gained recognition among research scientists, regulatory authorities, and fisheries managers in the late 1970's when the landmark pollution episode took place at Belews Lake, North Carolina. Selenium released in the waste from a coal-fired power plant entered the lake, killed the fish community, and caused residual impacts for many years after selenium inputs were stopped (Cumbie and Van Horn 1978; Lemly 1985a, 1997a, 2002a). The primary lessons learned from Belews Lake were: (1) Even small increases in waterborne selenium can lead to devastating effects on aquatic life, and (2) Once selenium bioaccumulation in the aquatic food chain begins it is too late to intervene — pre-pollution assessment and management are key to preventing impacts. The lessons from Belews Lake were instrumental in the development of USEPA's current national freshwater criterion for selenium (5 µg/L, [micrograms per liter]). Since the Belews Lake episode, a tremendous amount of research on the toxicology, environmental cycling, and hazard assessment of selenium has taken place (e.g., Frankenberger and Engberg 1998, Lemly 2002b). In addition to learning about its toxic potential, much information has been gained on the sources of selenium and how it reaches the aquatic environment, particularly with respect to coal mining and the coal industry (Lemly 1985b, 2004, Dreher and Finkelman 1992, Vance et al. 1998).

Need for Pre-Mine Assessment

The lessons from Belews Lake, supported by over two decades of research findings from many other locations throughout North America (Lemly 1997b, 1999, 2002b; Skorupa 1998a, Hamilton 2004), underscores the need to take a preventive approach to selenium pollution rather than attempting to deal with it after contamination has taken place. With respect to coal mining this means pre-mine assessment. Failure to adopt this approach can only worsen the selenium pollution and associated ecological risks that have emerged in West Virginia. Selenium-related violations of the federal Clean Water Act need not occur if careful pre-mine assessment is used to guide mine permit decisions. Clearly, much attention is focused on management and regulatory authorities in the state, and it is imperative that environmentally sound actions be taken in order to stem the escalating threat of widespread selenium pollution. Using pre-mine evaluation can safeguard natural resources by allowing site-specific risk assessment and risk management to take place. This is the prudent, environmentally responsible course of action.

Adopting this approach will benefit the state and the mining industry by demonstrating that all activities are being developed and implemented with the goal of preventing selenium pollution, thereby minimizing water quality issues that may lead to litigation by federal agencies and conservation groups.

Recommended Procedure

Geological assessment is the first step to understanding the environmental risk of selenium at prospective coal mines. It is essential to determine selenium concentrations of coal and overburden that are to be moved because once these materials are exposed to air and precipitation they can leach substantial quantities of selenium (e.g., Davis and Boegly 1981, Heaton et al. 1982), which begins the mobilization process and threat to aquatic life. Because selenium concentrations vary widely in coal and waste rock at a mine site (e.g., Heaton and Wagner 1983, Desborough et al. 1999), a thorough representation of the geographic area and depth of disturbance must be made. This entails making a minimum of one core drilling per 5 acres, extending into the coal bed that is to be extracted. Two samples (about 450 grams each) are taken from each core: one consisting of overburden material and one of the coal itself. Each sample is evaluated using a passive leaching test (see Heaton et al. 1982, Desborough et al. 1999). The first step is to crush the coarse sample with a hammer to produce approximately pea-size or smaller material. The resultant material is mixed and some is put into a beaker with deionized water (pH 5.0-6.0) in a ratio of 1 part sample to 20 parts water (use 5-20 grams of sample and 100-400 milliliters of water). Let stand for 48 hours, decant and filter (0.45 micrometer mesh) the liquid, acidify it to pH <2.0, and analyze the liquid for selenium concentration using a method with a detection limit <1 µg/L (part-per-billion). The results of these tests will generate a spatial profile of selenium mobility at the prospective mine site and allow a screening-level evaluation of hazards to aquatic life that can be used to guide subsequent assessment and regulatory decisions.

Evaluating Selenium Concentrations

The traditional approach to evaluate waterborne selenium concentrations is to compare them to the USEPA national freshwater criterion (5 µg/L). Concentrations exceeding the criterion should be viewed as posing unacceptable risk to aquatic life because of the likelihood

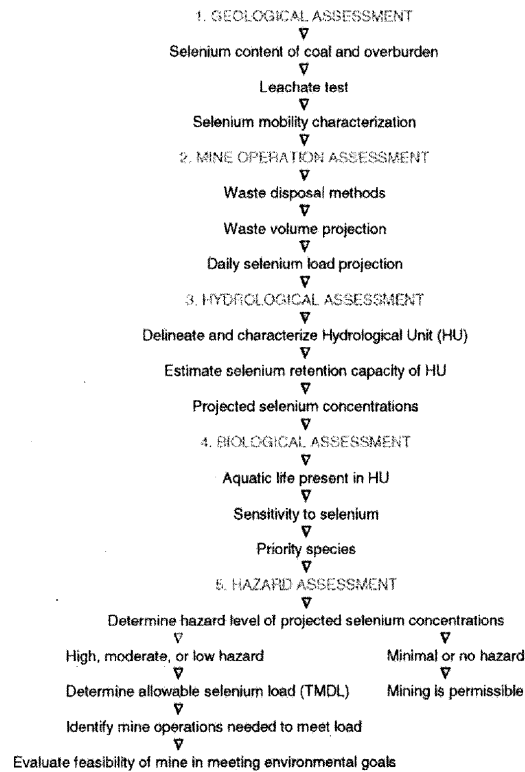
of bioaccumulation in the food chain. However, there is a growing body of scientific information which indicates that toxic impacts to aquatic life can occur when selenium levels reach 2 µg/L, particularly if the selenium is predominantly in the selenite form (which is the case for coal mine selenium), and the contaminated water enters a wetland, pond, reservoir, or other impoundment (Frankenberger and Engberg 1998, Skorupa 1998a, Hamilton and Lemly 1999, Lemly 2002b). Because of these findings, a value of 2 µg/L has been recommended by several selenium experts as the concentration limit necessary to protect fish and wildlife (Peterson and Nebeker 1992, Maier and Knight 1994, Skorupa 1998b, Hamilton and Lemly 1999, Lemly 2002b, Hamilton 2004), and USEPA has begun a review/revision process for their national freshwater criterion (USEPA 1998, Hamilton 2003). Moreover, based on broad experience dealing with a variety of selenium contamination issues, including coal mining wastes, the U.S. Fish and Wildlife Service and a number of state water quality agencies have adopted a value of 2 µg/L as their management or regulatory standard (see Engberg et al. 1998, Skorupa 1998b, Hamilton and Lemly 1999). I recommend that 2 µg/L be adopted as the maximum acceptable concentration of selenium in wastewater, drainage, and leachate associated with coal mining activities in West Virginia.

Comprehensive Assessment

By examining the results of the leach tests and applying a 2 µg Se/L water quality objective, field sites whose disturbance by mining would pose a hazard to aquatic life can be quickly identified. If clear dangers are evident — i.e., leachate selenium concentrations exceed 2 µg/L — then it is desirable to examine the operational characteristics of the proposed mine in the context of a 5-step comprehensive assessment that includes provisions for altering mine operations, establishing TMDLs for discharges and, in one scenario, not permitting the proposed mine to be developed at all (see page 5). This approach will allow site-specific hazard evaluation based on local hydrology and biological conditions, and provide a precise fine-tuning of the screening-level assessment generated by the leach tests. The methods used for hydrological, biological, and hazard assessment are techniques that have been field tested and published in the peer-reviewed literature (Lemly 2002b). Technical guidance is available for those unfamiliar with specific components of the procedure (email contact: dlemly@vt.edu).

Comprehensive assessment will provide the information necessary for policy makers to reach environmentally sound, scientifically defensible decisions on mine permit applications.

PRE-MINE ASSESSMENT OF SELENIUM HAZARDS



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----- Forwarded by David Rider/R3/USEPA/US on 01/23/2004 09:42 AM -----

Carol Stoddard
<stoddard@stcglob.al.net>
To: R3 Mountaintop@EPA
cc:
Subject: Comments on Mountaintop Mining
01/20/2004 04:53 PM

The Garden Club of <?xml:namespace prefix = st1 ns =
"urn:schemas-microsoft-com:officesmarttags" /> America
14 East 60th Street
New York, NY 10022
<?xml:namespace prefix = o ns =
"urn:schemas-microsoft-com:office:office" />

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

The members of the Conservation and National Affairs Committees of The Garden Club of America write to express their disappointment at the draft Environmental Impact Statement concerning the effects of mountaintop mining.

Our committees visited West Virginia five years ago and witnessed at close range the effects of mountaintop mining - we know that it has caused destruction or degradation of over seven hundred miles of streams, a clear violation of the Clean Water Act. And the destruction continues.

Instead of calling a halt to this devastating practice, the current administration worsens it, by eliminating a surface mining rule that makes it illegal for mining activities to disturb areas within 100 feet of streams, unless it can be proven that these streams will not be harmed.

We implore you to investigate some alternatives to this continued destruction. Please do what you can to protect the natural resources in Appalachia, especially by restricting loss both of forest and streams.

The Garden Club of America, founded in 1930, is comprised of 195 clubs in 40 states, and has approximately 17,000 members. Among our purposes, is "To restore, improve and protect the quality of the environment through programs of conservation, civic improvement and education.

Sincerely yours,
Carol S. Stoddard
Marian W. Hill
Chairman
Chairman
National Affairs & Legislation Committee
Conservation Committee

January 16, 2004



REDBUD FAMILY HEALTH CENTER

P.O. BOX 950, HYDEN, KENTUCKY 41749
PHONE (606) 672-3846
FAX (606) 672-6750

JEAN E. SULLIVAN, M.D.
SR. MARY JOAN GRIPSHOVER, CFNP
SR. KATHARINE A. DONOHUE, CFNP

August 8, 2003

REC'D AUG 18 2003

Mr. John Forren
USEPA - (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Mr. Forren:

We are writing on behalf of our beautiful mountains with their unparalleled hardwood forests. We would also like to protect our streams from the horrid mountain top removal which has been desecrating our area by filling in valleys with gravel. Not only that, but we will soon be a sterile gravel bed, with no uplifting scenery, great loss of plants and no decent homes for birds and animals.

We don't need any more of these greasy tops. We have too many which have not found any worthwhile use. It is most frightening to fly over the Appalachians now and see gravel pit after gravel pit. There is no reason coal mining cannot be conducted without protecting our stream beds and it soon will be all over, as seams are exhausted. We will have no attractions left for tourists here when the mountain sides has been completely scraped off. Also, mining interferes with our residents yards, gardens, homes, water supplies and graveyards in a serious way.

Please help us!

Sincerely,
Jean Sullivan
Sr. M. Joan Gripshover
Della Adams

Jean Sullivan, M.D.
Sr. M. Joan Gripshover
Sr. Katharine Donohue
Della Adams
Betty Baker
Donna Fields

Betty Baker
Donna Fields
Sr. Katharine Donohue

js/df

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----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 11:30 AM -----

Mwtidwell@aol.com

To: R3 Mountaintop@EPA

01/06/2004 06:05 cc:

PM

Subject: DEIS for mountaintop mining is completely

flawed/comments enclosed

(Embedded image moved to file: pic13985.jpg)

January 6th, 2004

Mike Tidwell

Director

Chesapeake Climate Action Network

P.O. Box 11138

Takoma Park, Md. 20912

John Forren

U.S. EPA (3EA30)

1650 Arch Street

Philadelphia, PA 19103

Dear Mr. Forren,

I am writing on behalf of CCAN's 5,000 Maryland supporters to urge a re-write of the mountaintop mining DEIS because of major defects in the DEIS. I urge the immediate termination of the issuance of new mountaintop mining permits until an EIS is completed and adopted, as required by NEPA.

The EIS process has been usurped and its scientific underpinnings destroyed by Interior Deputy Secretary Gristle's order to remove all environmental alternatives from the DEIS. There is no other federally permitted land use occurring in the U.S. with such devastating consequences as the massive and permanent impacts from the projected loss of over 380,000 acres of high-quality forest to mountain top removal and valley fill coal mining in Tennessee, West Virginia, Virginia, and Kentucky. This forest destruction and concomitant valley fill is the greatest federally permitted land use alteration occurring in the United States. The projected destruction is detailed in the draft EIS and would occur over the next ten years. The impact on avian species, other wildlife and fish, and the entire ecosystem at risk is enormous.

The Army Corps of Engineers has continued to issue mountain top removal/valley fill Clean Water Act permits for mountain top coal mining, despite the failure to complete an EIS. In Tennessee alone, permits by the Army COE have been issued for the removal and fill of over 5,000 acres of mountain tops in the last year.

We believe that NEPA requires such a moratorium on permits as the environmental impacts are so massive from the projected removal of 380,000 acres of mature deciduous forest on mountain tops and the placement of fill in stream valleys. Further, the Clean Water Act dictates individual permits should be required for such major actions and thus, the current use of nationwide permits is illegal.

The DEIS is so defective that it fails to substantively discuss the significant impacts on the entire suite of forest-dependent birds within the EIS study area e.g., Cerulean Warbler, Louisiana Waterthrush, Worm-eating Warbler, Kentucky Warbler, Wood Thrush, and Yellow-throated Vireo. All of these bird species are also classified as Birds of Conservation Concern by the U. S. Fish and Wildlife Service within the Appalachian Bird Conservation Region, which overlaps the area considered in the draft EIS. The destruction of the 380,000 acres will result in a loss of 137,836 Cerulean Warblers (ESA listing petition pending) in the next decade.

The U.S. Fish and Wildlife Service's September 20, 2002 memo clearly supports our conclusion that the draft EIS is fatally flawed. The FWS warned in the memo that publication of the draft EIS as written, "will further damage the credibility of the agencies involved." That inter-agency memo cites the proposed actions offering "only meager environmental benefits" and criticizes the draft EIS because it did not consider any options that would actually limit the area mined and the streams buried by valley fills. "There is no difference between [the alternatives]," the Fish and Wildlife officials said. "The reader is left wondering what genuine actions, if any, the agencies are actually proposing." The draft EIS erroneously only offers alternatives that would streamline the permitting process for approval of new mountaintop-removal permits. The alternatives, including the preferred alternative, offer no environmental protections and the lack of any such environmentally sound options destroys the NEPA EIS process.

The FWS memo argued for "at least one alternative to restrict, or otherwise constrain, most valley fills to ephemeral stream reaches...As we have stated repeatedly, it is the service's position that the three 'action' alternatives, as currently written, cannot be interpreted as ensuring any improved environmental protection ... let alone protection that can be quantified or even estimated in advance."

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I urge that the permitting of mountain top removal/valley fill cease pending the re-writing of the DEIS and the completion of the EIS process. This is necessary to prevent this ecological disaster.

Sincerely,
Mike Tidwell
301-920-1633
mwtidwell@aol.com
www.chesapeakeclimate.org

**Statement of United Mine Workers of America
on
Mountaintop Removal**

Since several reports have appeared in the media over the years that incompletely or inaccurately indicate the position of the UMWA with regard to mountaintop removal mining, I believe it would be helpful for me to briefly outline our position. The UMWA believes that strong protection for our environment is essential. As we have pointed out many times, our membership lives in the communities in which mining takes place and believes strongly that we have a duty to future generations to protect that environment. At the same time, we make no apologies for seeking to promote the jobs available in the mining and related industries. After all, these jobs average more than \$50,000 per year plus benefits including retiree health care and pensions. West Virginia is already 49th in the per capita income. We surely do not want to drive ourselves into an even more negative position.

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Unfortunately, the debate has often been between two extreme positions – one calling for the abolition of coal mining and the other decrying any type of restrictions on mining companies as they damage peoples' houses

and degrade local streams. We do not agree with either of these extreme views.

Some critics have suggested that the UMWA is only interested in the protection of our members' jobs when they work on mountaintop removal sites. Make no mistake, that is important to us. As this statement of policy makes clear, however, we believe that this criticism is unfounded since we also believe in strong environmental and community protections. We do believe that jobs provided in coal mining are worth fighting for and preserving. This is particularly true in our economy in which service sector jobs are often very low paying and without benefits. We are proud of our support for such jobs.

At the same time, we support strong regulatory efforts to protect the water resources of our communities and we also believe that families living in these communities should be protected against blasting debris and the degradation of their communities. We believe that coal companies should be held to a high standard of environmental protection and that the state and federal officials entrusted with that enforcement have on many occasions not sufficiently protected our communities.

The UMWA strongly believes that coal companies should not be permitted to destroy local communities in the process of mountaintop removal mining, including by blasting. Community residents with homes and farms should be protected from the consequences of such damage.

Under current law, a homeowner can pursue a damage claim in circuit court. The practical problem is the cost of hiring attorneys and the litigation costs in hiring expert witnesses.

The UWMA believes that there should be additional legal protections to ensure that blasting damage can be easily and completely compensated by coal companies. We suggest a statutory change so that blasting law would be made similar to a provision in state oil and gas law. Under that law, any damage to water supplies caused within 1,000 feet of a gas well is presumed to result from the drilling and operation of the gas well. We likewise suggest that with regard to any property within one mile radius of a blast, there should be a reputable presumption that the blast caused any property damage. This provision, coupled with the present law that a community member may require the company to do a pre-blasting survey, should make the payment of appropriate damages far more practical. This should lead, as it does in the oil

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and gas area, to the quick resolution of claims and a more fair protection of community rights.

We also believe that the many sites throughout West Virginia with historical significance, such as the historic portions of Blair Mountain and the Stanley family farm on Kayford Mountain, must be preserved and thus should be off limits for mining.

The coal industry remains "a mainstay of the Mountain State economy." Coal and coal burning utilities account for nearly 60% of the state's business tax revenue, and state business taxes paid by coal companies rose more than 35% between 1985 and 1996, at a time when the price of a ton of West Virginia coal dropped by 26%. West Virginia coal companies employ more than 14,000 miners directly, and using economic multipliers employed by the federal government, the industry accounts for more than 40,000 additional jobs. In much of southern West Virginia and in portions of northern West Virginia, the impact is particularly pronounced. In Boone County, for example, almost half of the workforce is employed in the coal industry. In the coal counties of this state, over 10% of all jobs are directly linked to coal mining. Thus, it is not only in the interests of our membership,

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but in the broader interests of the citizenry of this state that these issues be resolved in an equitable and timely manner. This Union has a proud history of working not only in the interests of its own members, but on behalf of all working people and the communities they live in. We fully intend to uphold that tradition.

11-4-5



Charles R. Wakild, PE
Principal Engineer
Environmental & Safety Services Division
Progress Energy Service Company, LLC

Mr. John Forren
U. S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

Via email at mountaintop.r3@epa.gov

RE: Draft Programmatic Environmental Impact Statement
Mountaintop Mining/Valley Fills in Appalachia
EPA 9-03-R-00013

Dear Mr. Forren:

Progress Energy Service Company, LLC is submitting the following comments on behalf of Progress Fuels Corporation. Progress Fuels Corporation currently owns and operates one surface and seven underground coal mines in eastern Kentucky and western Virginia, with average annual production of approximately 2.6 million tons, that would be impacted by the EIS and any proposed regulatory alternatives. In addition, Progress Fuels owns and operates five coal terminals in West Virginia and Kentucky that would also be affected by the final document and any subsequent regulatory changes.

Progress Fuels supports the stated purpose of the Environmental Impact Statement (EIS) "to consider developing agency policies, guidance, and coordinated agency decision-making processes to minimize, to the maximum extent practicable, the adverse environmental effects" of mountaintop mining and valley fills. Progress Fuels also appreciates the agencies' acknowledgement the economic value that coal mining brings to the Appalachia region and the country. It is this value which requires all of us, in partnership, to consider all factors (environmental, economic, and administrative) when considering implementing new or amended programmatic actions. We must recognize the nation's need for reliable energy sources and how mining of the Appalachia region's coal is an integral component of fulfilling this need. Clearly a great deal of effort has been expended on this document, and progress made toward resolution of many identified issues related to surface mining and related valley fills. We commend the agency for likewise identifying several deficiencies in the environmental impact studies and acknowledging the need to answer outstanding questions before regulatory programs changes are implemented.

General

Progress Fuels supports Action Alternative 3 as described in the draft report. It is clear that the timeliness of the permitting process can be improved by streamlining of the application preparation effort, and uniform and consistent application of design criteria and mitigation and other compensatory measures. Under this alternative, the federal agencies would develop a coordinated permit application and review process based on requirements of the Surface Mining Control and Reclamation Act (SMCRA) permit. The Corps of Engineers, using the CWA section 404 nationwide permit program, would base authorizations on the SMCRA agency review of surface coal mining activities. States would be encouraged to assume 404 permitting activities for surface mining through a State Programmatic General Permit. The 404 individual permit process only would be initiated if information in the application is inadequate (data collection, mitigation, alternatives analysis).

Economic Impact

While the draft report acknowledges the value and benefits of the coal industry in this region, it does not adequately evaluate the value Appalachian coal brings in light of increasingly complex environmental regulation. This region's coal supplies the fuel for a significant amount of the nation's energy supply. Much of the coal provided by surface mines is lower in sulfur and higher in heat content than other alternatives, and is therefore a vital part of environmentally viable energy strategy. It may also be the source of choice as new mercury standards come into effect. Although Powder River Basin coal may be lower in mercury, other constituents may interfere with the ability of emission controls to reach lower mercury emission levels. These issues are currently being evaluated in the scientific literature, but it is for these current and future reasons we must preserve the ability to economically mine Appalachian coal. In order for the industry to provide this valuable resource, it needs clearly defined rules consistently applied so they can plan and invest in economic operations.

In that soil and rock must be moved to create a level area, and some fill placed in the only economically available areas, which may include streams, mining is not unlike many other economic development activities, including road construction. In many areas in this region, significant commercial, residential, and industrial development is only possible because the prior creation of level areas by surface mining.

Aquatic Resources Impact

The studies of water quality downstream of valley fills inappropriately conclude that valley fills consistently cause or contribute to levels of some parameters that exceed water quality standards or criteria. The report correctly acknowledges that the referenced studies, due to study design, resources, or implementation, did not adequately investigate and account for other factors that affect water quality, such as other dischargers (including unpermitted domestic wastes), local geology and topography,

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distance from the fills, age of the fills, and others. Additional studies are necessary prior to making such a conclusion to account for all relevant factors and insure that corrective measures in mining permits, if any, are appropriate and effective. The agencies also should consider a flexible use of funds provided by permittees for mitigation of stream losses from fill construction. It may be more beneficial for the overall water quality if, instead of stream restoration, some of the funds are used to correct other man-made impacts, i.e., illegal domestic waste outfalls.

Selenium in particular was identified as a parameter of concern regarding water quality standards downstream of existing fills. We cannot at this point agree with that concern for the following reasons. Water quality standards, especially for metals and metalloids, are usually based on total concentration, and do not distinguish between particulate or dissolved concentrations, or speciation of the element. The species of selenium in solution impacts its toxicity and its true environmental impact. In addition, the size and type of stream and organisms also will dramatically affect the toxic effects. It is important that organisms found in the examined environment be used to assess toxic effects; states usually use a very limited variety of toxicity reference organisms, and these may not include any found in first or second order headwater streams usually downstream of valley fills. For these reasons, a simple comparison to water quality standards is inadequate. Design standards for valley fills must be based on true environmental impact and consideration of cost relative to benefit. Additional work is needed to support this issue prior to determination of any negative selenium environmental impact.

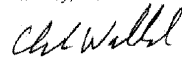
The report found that in general the flood frequency and severity downstream were no worse than before the fills were constructed. That is due to the careful design and construction of mine fills with due consideration of hydrologic characteristics. Most recent examples of flooding downstream of mines used by opponents of surface mines are anecdotal in nature, unscientific, and do not account for unusually heavy rainfall events that have occurred in recent years.

Others

We concur with the comments of the West Virginia and Kentucky Coal Associations and the National Mining Association and support their efforts to work toward consensus alternatives.

We appreciate the opportunity to submit these comments and participate in the development of this important document. If there are any questions, please let me know.

Sincerely,



Charles R. Wakild

5-5-2

Forwarded by David Rider/R3/USEPA/US on 01/08/2004 10:51 AM -----

Jason Wandling
<jwandling@calwel
llaw.com>

To: R3 Mountaintop@EPA
cc:
Subject: re: MTR EIS Comment

01/05/2004 11:17
AM

To Whom it May Concern:

Please find attached the comment of the Charleston, West Virginia, chapter of the National Lawyers Guild re: Mountaintop Removal Mining EIS.

Sincerely,
J. Wandling

The Charleston, West Virginia, chapter of the National Lawyers Guild (WVNLG)¹ urges this Panel to reject every Action Alternative outlined in the Draft Programmatic Environmental Impact Statement (Draft EIS). We ask that you instead adopt a policy that would more accurately reflect the true goals of the Clean Water Act, the National Environmental Policy Act, and the very will of the people you are bound to serve by barring all mountaintop removal mining (MTR).

WVNLG strongly disapproves of this Panel's Draft EIS. The Draft EIS is no more than a rubber stamp for the interests of the coal industry of West Virginia and the nation. We disapprove for three reasons.

First, this Panel was charged to review the costs and benefits of MTR. Instead, you have disregarded your mandate. As noted by Ken Ward, Jr. in the *Charleston Gazette* "Initially, the goal of the study was to consider new rules that would 'minimize the potential for adverse' impacts from mountaintop removal. But once the Bush administration took office, Deputy Interior Secretary Steven Griles — a former mining lobbyist — changed the focus toward streamlining the permit process for coal operations." *Charleston Gazette*, July 25, 2003. This Draft EIS, then, is nothing more than a perversion of a good faith settlement entered into as part of the *Bragg v. Robertson* litigation.

In fact, and to our great surprise, this Panel proposes Action Alternatives less strict than regulations already in place. It is a slap in the face of the people of the coalfields to be asked to accept a lesser standard when, as Judge Haden wrote in 1999, "The Director [of the West Virginia Department of Environmental Protection] and his agents consistently admit that he [sic]

¹ The National Lawyers Guild is an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers, and jailhouse lawyers of America in an organization that functions as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests.

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made none of the required findings, on through six, for buffer zone variances when authorizing valley fills." At 647. This Panel's reasoning mirrors that of the recent West Virginia Legislature and soon-to-be-former Governor Wise regarding overweight coal trucks: if someone is breaking the law we should make their activity legal. Unless, of course, first-time, non-violent drug offenders are at issue. In that case mandatory minimum jail sentences are imposed.²

The second reason WVNLG disapproves of this Panel's Draft EIS is because it swallows hook, line, and sinker the coal industry's propaganda concerning the economics of MTR. Instead of making an investigation, this Panel's Draft EIS simply parrots the West Virginia Coal Association's line. For example, a recent West Virginia Geological and Economic Survey (WVGES) report stated:

"If the practice of mountaintop removal mining is disallowed or curtailed, the production from these operations will not be replaced with underground mining production in the short and very likely not in the long term. As mentioned above, coal beds in the target area interval [the Kanawha Formation and/or Block Zones five, six, and seven] are frequently split into numerous benches separated by inorganic partings of highly variable thickness. Only some of these benches are economically mineable by underground methods. In mountaintop removal mining, many, if not all of the coal benches are recovered, representing a more efficient recovery of the resource."

"A Geological Overview of Mountaintop Removal Mining in West Virginia," published by the WVGES page 2.

Put into layman's terms (as so little of this exercise in appeasement has been), coal in southern West Virginia has become too expensive to mine in any reasonable manner. Therefore, the industry reasons, coalfield residents should simply shut up and endure an ever-diminishing quality of life, including, among other things, constant blasting from nearby mines, incalculable amounts of coal dust in their homes, and irreversible environmental damage in their very backyards. The cost of cheap, American energy (according to Vice President Dick Cheney and his industry-controlled Energy Task Force) is a native population debased for the sake of others living well afield from the source of energy production. What moral system demands such sacrifice from an already disadvantaged population?³

² To ill effect. See, for example, United States Attorney General John Ashcroft's new push to monitor and investigate federal judges who impose lighter sentences than those established by mandatory minimum sentencing guidelines for first-time offenders.

³ Actually, the history of the United States is replete with such examples, from the callous disregard for the citizenry of Michigan (abandoned by an auto manufacturing industry that preferred cheap foreign labor and nonexistent environmental regulations over healthy communities here at home; so much for the current, vogueish patriotism), the well-documented but still disregarded plight of the American Native Indian (who inhabited the Appalachians before their near extermination and ultimate forced removal); and, in a very relevant example, the Appalachian settlers who were displaced by the rampant forest fires and floods created by the first Appalachian timber boom in the preceding century (today's second wave of logging contributes to today's environmental and social), among other examples. The question is begged: where does American industry stop its ravenous drive for profit while it very knowingly lays waste to American citizens and culture? At what point will industry reflect and consider the effects of its insatiable greed? Never, is the WVNLG's answer, because the legal fiction of the "corporation" only recognizes capital gain, in its most brute sense, and only stops when a powerful citizenry demands consideration. Your writers draw that line at this crisis, and this Panel is obligated to recognize, via the social contract by which most of us

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The coal industry's adoption of such terms as "economical recovery" belie its underpinning motivation: the need to make a lot of money and the lack of concern about who suffers for its egregious profit.⁴ For that reason alone, this Panel should punish the coal industry's injurious avarice by ending MTR altogether.

Despite the conventional wisdom that all of southern West Virginia's economy depends solely on the energy industry,⁵ coal mining has not, for a very long time now, provided much true sustenance for the citizens of the coalfields in which the method is practiced. A great number of the ever-shrinking population of coal miners come from areas in Kentucky and Ohio, often driving great distances to find employment in West Virginia mines or setting only temporary residence in the coalfields. Furthermore, the secondary businesses which depend on coal mining revenue are, despite the most optimistic government and industry estimates to the contrary, spread far and few between. A drive through any coalfield community will quickly dissuade any neutral observer otherwise.

WVNLG objects for a third reason: the Draft EIS will encourage further lawless behavior in the coal industry. It cares little for ANY law, not just technical stream buffer regulations. For example, Don Blankenship, president of Massey Energy, recently testified before a West Virginia Legislature subcommittee charged with investigating coal truck weight limits. When confronted with the lamentable new law allowing coal truck to run up to 120,000 pounds (up from the rarely enforced standard of 80,000 pounds), Blankenship showed typical disregard for the safety of coalfield residents, saying "The truth of the matter is, the industry has been allowed through common law, if you will, to haul 140 [thousand pounds] to 160 [thousand pounds]."⁶

If this Panel approves any new permitting process under the proposed Action Alternatives, WVNLG predicts, that it will not be long before Blankenship or West Virginia

abide, to recognize that tipping point.

⁴ This vulgar drive has not always been so deified. Albert O. Hirschman, of Princeton University and editor of *The Passions and the Interests*, a survey of the rise of commercial capitalism from the Middle Ages to today and must reading especially for those who consider contemporary commercial lust an *a priori* virtue, mused in his introduction: "How did commercial, banking, and similar money-making pursuits become honorable at some point in the modern age after having stood condemned or despised as greed, love of lucre, and avarice for centuries past?" Introduction to *The Passions and the Interests*, page 3 (Princeton, 1977).

⁵ Surely, if coal industry executive were truly as concerned about free market economics, they would be forced to recognize that if secondary economies were negatively impacted by the sudden end (and unlikely, given this Panel's politicized findings) of MTR then the "market" would demand that those businesses expire or thrive, with or without the aid of coal dollars in the coalfield cities.

⁶ Blankenship's logic fails entirely. Whatever his conception of the "common law," it certainly bears no relation to the body of judicial opinion that makes up a great deal of American law. Interestingly, Blankenship makes reference to the American common law when its purpose suits him. Otherwise, any use of the tort system to effectuate public policy constitutes "frivolous litigation." For example, in the coal industry's opposition brief to lawsuits filed against various coal companies, including Massey Energy and its subsidiaries, for damages caused by the flooding of 2001, industry attorneys wrote, "[the plaintiffs] argue that, despite almost two hundred years of mining within the state, the courts should now, through judicial fiat, ban all such activity as 'inappropriate' based on a 'policy' never considered, much less adopted, by the citizens of West Virginia, either through a constitutional amendment or indirectly through their elected representatives." The Coal Industry's Supplemental Memorandum in opposition to Plaintiffs' "Legal Theories of Liability," filed in Raleigh County In Re: Flood Litigation, Civil Action Number 02-C-797. Such backhandedness simply reinforces the fact that the coal industry needs to be more tightly regulated, not deregulated as this Panel's Action Alternatives suggest.

1-9

Coal Association President Bill Rancey suggests "We're breaking the law anyway so why don't we change the law again to reflect our current practices?" Such brazen and stultifying logic could easily be played out in any number of arenas. For instance "Well, I kill people now so the penal code forbidding such conduct should reflect the ultimate realities of my habit and case." How patently absurd! Unfortunately, this panel has adopted, wholesale, such spoiled logic at the spurning of a corrupt and deceitful administration.

The residents of the coalfield communities are forced to resign themselves to something of the ethic embodied in this Charles Simic poem:

"Cameo Appearance"

I had a small, nonspeaking part
In a bloody epic. I was one of the
Bombed and fleeing humanity.
In the distance our great leader
Crowed like a rooster from a balcony.
Or was it a great actor
Impersonating our great leader?

That's me there, I said to the kiddies.
I'm squeezed between the man
With two bandaged hands raised
And the old woman with her mouth open
As if she were showing us a tooth

That hurt badly. The hundred times
I rewound the tape, not once
Could they catch sight of me
In that huge gray crowd.
That was like any other gray crowd.

Trot off to bed, I said finally.
I know I was there. One take
Is all they had time for.
We ran, and the planes grazed our hair.
And then they were no more
As we stood dazed in the burning city.
But, of course, they didn't film that.

If only this Panel could at least pretend that coalfield residents were not so insignificant in the face of the coal industry's all-consuming, avaricious capitalism.

Accordingly, the Charleston, West Virginia, Chapter of the National Lawyers Guild urges this panel go back to the table, and realistically address the destruction of Appalachia caused by mountaintop removal mining and strictly enforce the long-standing provisions and policies of the Clean Water Act, the National Environmental Policy Act, and basic compassion and utilize common sense by bringing MTR to a halt.

Respectfully Submitted,

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1-9